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# **East Europe**

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SPRINGFIELD, VA 22161

**19980115 079**

# East Europe

JPRS-EER-92-013

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## **BNDP Official Evaluates Election, Future**

92BA1095A Sofia ZORA in Bulgarian 6 Nov 91 p 2

[Article by Todor Mishev, political secretary of the Bulgarian National Democratic Party, BNDP]

[Text] For the most part, the preelection emotions have given way to postelection emotions. The hopes of the period up to 13 October 1991 are being replaced with the initial analyses of the results obtained. What were they for the BNDP [Bulgarian National Democratic Party], and what will be done in the future? There are problems that cannot be put off. For all party members and sympathizers, for all readers of ZORA, it is clear that something is happening and that matters must be discussed openly.

### **The Optimism**

The BNDP received 15,399 votes. They provide a certain hope and optimism, especially because the elections were not only for members of parliament. The local organizations that were seriously engaged in the general elections succeeded with their candidate lists or by inclusion in others to win dozens of township councillor seats. The mayoral elections in Smolyan reported 7 percent for the candidate of the BNDP, which is an undoubted success for the local organization. In many districts, the BNDP reinforced the township candidate lists and the mayoral candidates of the Bulgarian National Agrarian Union-United [BZNS-e] and the Union of Democratic Forces [SDS]. With this, they contributed to the success of their candidates and strengthened their position as a regional factor. Because of administrative mix-ups, the candidate list was not registered in Varna, which was the strongest in the previous elections and where we would have gained several thousand more ballots. Fifteen thousand votes is a good increase in the emerging solid electorate of the BNDP. These are people who understand and accept the program of the BNDP, who did not give in to superfluous emotions and voted with the clear knowledge that their votes will be lost in these elections. We must be thankful for all these voters because the number provided a firm guarantee for the future successful development of the BNDP. The other optimistic fact is the uniformly distributed electorate of the party over the territory of the country. The assertions of ill-wishers that the BNDP is a regional and the only anti-Turkish party has been thoroughly refuted. The BNDP received votes even in several districts where there were no serious organizations. The results in these districts showed that the sympathizers and potential members of the BNDP are many. The rest is a question of the initiative of the central leadership.

### **The Pessimism**

If we accept that not entering the parliament and even that not receiving 50 thousand votes is a failure, then there must be a reason for this. In practice, the preelection campaign of the BNDP was carried out primarily

from ZORA. The local organizations did everything required of them, but they did not receive much help from the central leadership. The posters were few, and the quality of some of them questionable.

There are at least two objective reasons for this situation with respect to the elections—the lack of any facilities and limited access to the mass communications media. There were no government subsidies, and, correspondingly, there was no money for the most necessary things. During the preelection campaign, the last resources from the account of the journal ZORA were exhausted. In normal parties, the leaders invest in the party journal and do not use its money for their own salaries and business trips.

The subjective reasons are more and more widely known. For six months from his assumption of office, Mr. Stoyanov visited five organizations of the BNDP and, during the preelection period, did not succeed in touring even his own Blagoevgrad district. The BNDP lost several thousand voters because of his tragic and nondescript participation in the preelection studies. A great failure was the appointment of Mr. Vladimir Krustanov as chief of the election staff. Four days before the last time for recording the candidate lists, it was not known which people would be on them. The local organizations were not informed ahead of time about their personnel composition. Even at the last administrative council before the elections, they disposed of the question of the candidate lists ultimately by specifying only the leaders. All of this led to mass refusal of the local activists to be candidate deputies and to a preference for participating only in the public candidate lists. Mr. Krustanov did not succeed in learning even the names and addresses of the candidate deputies, which led to the paradox that people recorded on one list were not known and not seen until the end of the campaign. In practice, the BNDP did not have a preelection staff but one official named at random.

Perhaps the most important reason for the failure of the BNDP is the independent participation in the elections. The BNDP, just as the Fatherland Labor Party [OPT], should have been able to obtain deputy places on the candidate list of the BSP [Bulgarian Socialist Party], but it would have led to ideological and political ruin. ZORA wrote about the unsuccessful discussions with the SDS in the preceeding issue. The third and most realistic prospect, the BZNS-e, failed both because of the arrogance and the shrewd plans of the agricultural leaders, and because of an inconsiderate statement by Mr. Stoyanov before the mass media. Practically, there were no other ways to skip to 4 percent. The Nikola Petkov Bulgarian National Agrarian Union (BZNS-NP) left the SDS very late, and discussions were not possible. In spite of this, the coalition, even though with smaller parties, had to be made. However, the president of the BNDP systematically isolated the party, manifesting constant distrust toward any union with other forces, especially when their leaders had relatively greater social prestige than he did. The Bulgarian National Radical Party (BNRP) and

the OKZNI [All-National Committee for the Defense of National Interests] were terrible chauvinists and former Communists, the KTsb [expansion not given] were monarchists, the BBP [Bulgarian Business Party] financial swindlers, and so forth. That is, all are bad; only the BNDP is good. The results are obvious: These formations themselves won between 1 and 1.5 percent, while we won only 0.28 percent. The independent participation in the elections led to an exodus of potential votes in at least three directions—the SDS, the BNRP, and the KTsb. A large number of the BNDP sympathizers in the large cities voted for the SDS and the KTsb, and, in the mixed Bulgarian-Turkish regions, for the BNRP. Nevertheless, the Bulgarian values his vote and for purely pragmatic and mathematical reasons preferred those promising to become more influential political forces. That even they did not ultimately succeed is another problem.

### The Lessons

The results of the elections and, even more, the situation in the country are favorable for the future development of the BNDP. It is necessary to take actions to stabilize the party on the basis of the results. The first and most important thing is to go beyond the limits of romanticism. One may safely say that the program of the BNDP was one of the best, and the idea of national democracy is very realistic for the turbulent Balkans. However, the idea does not create a party; even less does it win elections. Professionalism is necessary, at least in some areas. The first of them is finance. The BNDP does not need an accountant, who ineptly pays fees, as much as it needs a financier with ideas and abilities. The BNDP did not succeed in obtaining 50 thousand votes, which means that even in the next elections it will not be subsidized by the state. An election fund must be set up and financed according to the means permitted by law beginning immediately.

The second area is administrative. Part of the BNDP workers "developed" activity only within the limits of the office and, in practice, did not establish live preelection communications with a large part of the organizations. In the future, the campaign staff will have to be a continuously active expert group and not consist of one man without an understanding of the matters, working only a month before election day. After the retirement of Mr. Stoyanov, at last there is a favorable opportunity for a publicly known and publicly significant personality, who, in combination with the ideas of national democracy, will win sympathizers from a wide range of society to come to the head of the BNDP. The naming of several regional organizers, activists having the confidence of the people from the respective region, is also necessary for normal functioning of the party. Up to now, this has not been done either for financial reasons or because of the fear and jealousy of the leadership toward any manifestation of local activity and initiative. As a result of all this, even the rare trips from Sofia to remote cities cost as much as the salary of one regional organizer, but

the centralism, personified by Luchezar Stoyanov, practically turned into a nonworking party structure.

The third area is that of interparty relations. Self-isolation and narcissism must be done away with once and for all. It is not acceptable to enter into unprincipled coalitions, but, likewise, the idea that the BNDP should roam around the parliament building like an orphan is also unacceptable. The party's participation in the group for national agreement outside of the SDS and the BSP must be based on the external political task. In this case, it must be clear that a competitive preelection coalition is not set up a week before the elections, but months earlier. The BNDP is very aware of the prestige of its ideas and the propaganda force of the journal ZORA. The first postelection contacts with the remaining political parties prove their respect for the BNDP and provide hopes for the future.

### Chairman of New SDP Discusses Party Role

92BA0204A Sofia SVOBODEN NAROD in Bulgarian  
21 Nov 91 pp 6-7

[Interview with Dr. Vasil Mikhaylov, chairman of the New Social Democratic Party, New SDP, and New SDP spokesman Ivan Tsenov; place and date not given: "We Are a Left-Wing Party Within the Union of Democratic Forces"]

[Text] Invited to participate in the discussion were representatives of the New SDP [Social Democratic Party]. Unfortunately, they, too, had become the victims of a well-organized action to discredit the BSDP [Bulgarian Social Democratic Party] leadership and did not conceal their dislike of Dr. Dertliev or their apprehension that their presence in a face-to-face discussion would legitimize the BSP [Bulgarian Socialist Party] as a normal political force (which, in their view, it is not). For that reason, Dr. Vasil Mikhaylov, chairman of the New SDP, and New SDP spokesman Ivan Tsenov preferred to present their views on the problems under discussion in a separate interview.

[SVOBODEN NAROD] We know that both as a policy and an idea the social democratic movement is no one's privilege. However, considering the existence of the first BSDP in our country after 10 November, is there a threat that it may be removed from the political stage as a result of the interests of the BSP and the social democratic faction within the SDS [Union of Democratic Forces], which considers itself the true BSDP? Who would like to occupy the social democratic niche in our present political structure and for what purpose?

[Tsenov] The fact that the BSDP split is not the consequence of a violation of any kind of social democratic credo or the fact that some people are more social democratic than others. We simply believe that Dr. Dertliev suited the communists, who used him as their partner so he could give them a constitution. Now, however, he is no longer convenient and, clearly, no longer needed by them. On the contrary, he even hinders



them. Some of these communists have a healthy appetite for ownership and would like the passing of right-wing laws. Naturally, they do not need a strong left-wing party or a strong trade union.

Did anyone split the BSDP? No. It was simply that Dr. Dertliev had to be taken out of the game because he had completed his assignment. Now come the other boys to do the other work: to give away the property, inasmuch as any property remains to be given away.

[Mikhaylov] There is no split within the BSDP. Rather, the BSDP was able to remove the leadership, which, during that period of the social revolution, was conciliatory.

As far as the BSP is concerned, to us it has never been a normal political party. From its very creation and to this day, it has been an organization that includes elements and definitions of a semiclandestine formation, which is secretive and conspiratorial. Whenever it is not in power, it behaves like a left-wing extremist party; whenever it is in power, it behaves like a right-wing extremist party. To this day, it is trying to mimic and make use of the terminology of its left-wing extremist period. Therefore, we consider pointless any discussion with Kyuranov as a social democrat.

[Tsenov] We believe that banning the existence of the BSP is an extremely necessary step. This must be done in order to restore historical justice. The administrative prohibition of the BSP, however, is not sufficient. It must be combined with very fast and efficient steps in the field of economics, and the foundations of private ownership must be laid.

[SVOBODEN NAROD] In Bulgaria, the social democratic movement has experienced several upheavals. Currently it is being torn apart by internal separatist forces. What is your prognosis concerning its future?

[Mikhaylov] As to our evaluation of the social democratic movement prior to and shortly after 9 September, we can say that there was no SDP in Bulgaria that could pursue a proper social democratic policy. In all cases, during times of social hardship, so-called social democratic organizations come very close, in terms of political action, to the Bolshevik Party. In that sense, there have been individual social democrats, but there has been no social democratic organization pursuing a corresponding political activity.

[Tsenov] Bulgaria's future demands a modern left-wing SDP, and we consider ourselves its embryo.

[Mikhaylov] What bothers us greatly, considering the position held by Dr. Dertliev, is his attempt, using strongly left-wing phraseology that, in some points, resembles low-grade demagoguery, to speak of justice as one of the basic values of social democracy. I am referring to the most important problem in the change of systems: Whose will be the owners, and who will own the

means of production? In that sense, we are quite surprised that he opposes a real restitution that would provide that society with a stratum of owners outside of the red and the speculative capital.

[Tsenov] The question of the future of social democracy is not very clear. Which BSDP are we talking about?

[SVOBODEN NAROD] Actually, so far you have said nothing about Kurtev's party. Do you believe that he will be able to impose himself as a political leader?

[Mikhaylov] He may fail, but then we shall be there.

[SVOBODEN NAROD] If I understand you correctly, you reject the fact that Dr. Dertliev's BSDP has its own electorate.

[Mikhaylov] Precisely.

[SVOBODEN NAROD] Nonetheless, we have the results of the elections, which indicate something entirely different.

[Mikhaylov] What makes you say that any given ballot was cast for the BSDP?

[SVOBODEN NAROD] Perhaps the laws of basic logic. That same logic determined the approximate size of the BSDP electorate, which is not at all small.

[Mikhaylov] I believe that the ballots cast for the SDS-Center are the result of the improper use of the abbreviation "SDS."

[SVOBODEN NAROD] It was mentioned in the course of the discussion that your party will find itself in a difficult situation because of the contradiction between its social democratic ideology and the right-wing laws that must be passed by the SDS.

[Mikhaylov] As the ruling coalition, the SDS will implement its electoral platform, which is social democratic in spirit.

[Tsenov] I understand the danger you are anticipating, and, to a certain extent, it is logical. In our view, however, matters are somewhat different. Some circles adamantly refuse to note that the SDS includes a group that is determined to fight in order to safeguard its position as a left-wing modern party. In that sense, we have no intention whatsoever of letting ourselves be fused within the SDS. The social democratic platform of a union is giving us confidence for the time being. Naturally, surprises are possible.

Unlike some of my colleagues within the SDS, who claim that we must first create the product and only then divide it, we believe that, under the conditions of a social revolution, we must protect the possibility of being given ownership for as many Bulgarians as possible. This also is the main difference between us and some members of the SDS who believe that they could give the property to those who are more enterprising, ignoring the social stress that will be created among the people.

We cannot allow for that population to lose faith once again, to experience the latest stress after the communist shock, and to be presented with democracy in the guise of early capitalism, with unemployment and misery and with a toothless political stage and weak trade unions. (Some of our "friends" are also trying to make this happen.) We categorically oppose this, and, if necessary, we intend to quarrel with even our best political partners.

### **BSDP, BSP Differences on Social Democracy**

92BA0199A Sofia SVOBODEN NAROD in Bulgarian  
21 Nov 91 pp 6-7

[Interview with Dr. Petur Dertliev, leader of the Bulgarian Social Democratic Party, and Prof. Chavdar Kyuranov, a Bulgarian Socialist Party official, by Katya Vladimirova; place and date not given: "Social Democracy Is the Apple of Discord"]

[Text]

#### **A Short Introduction**

Dear readers of the renovated newspaper SVOBODEN NAROD:

Supporters and members of the BSDP [Bulgarian Social Democratic Party] and of all social democratic movements and trends within different parties and clubs:

The first issue of this new weekly focuses on a discussion on the role and significance of the social democratic movement in Bulgaria, something that is greatly needed by all of us. We have entitled this work "Apple of Discord" because, paradoxical though it might seem, today all political forces in Bulgaria are flirting with right-wing slogans or are secretly pursuing a tactic and strategy of legitimizing the political power of the *nomenklatura* through economic power. The latter has already been able to develop a seeming opposition or else to "buy" (as is the case in any normal Western country) deputies in parliament. The objective is clear: The easiest way to develop a new type of dictatorship is not through democracy but through another dictatorship. It goes from political to economic dictatorship.

What about the true democrats, regardless of party? Those who were secret or open dissidents before 10 November and who participated most actively and spontaneously in the creation of the SDS [Union of Democratic Forces]? They are no longer considered necessary. Their spontaneity and political naivete is used to conceal the real manipulators, who remain in the shadows. And, while people were classifying themselves as blue or red, and a racist hatred between them was being developed, and, while the outstanding leaders of the already different parties were being discredited in order to prevent them from obstructing further development of the "new dictatorship," the world-connected and experienced *nomenklatura* made itself known. It developed and

staffed its companies (while other companies were deliberately bankrupted) and prepared itself for the advent of capitalism. What about those who entertained democratic and pluralistic thoughts? They can still remain what they were—dissident outsiders, they remain what they were, to misquote the Bible. Anyway, how could they be familiar with the Bible, that book having been written for simple mortals? These people are not such simple mortals, and we should not be insulting them in vain!

That is the reason for the start of this debate. We are relying on your degree of information, intelligence, and sharp minds. Write to us.

[Vladimirova] We know that social democracy is no one's privilege either as policy or as an idea. However, let us consider the existence of the original BSDP in Bulgaria. Is there a threat that it may be removed from the political stage as a result of various interests of the BSP [Bulgarian Socialist Party] and the social democratic faction within the SDS, which has proclaimed itself to be the real BSDP? Who would like to occupy the social democratic niche in our current political structure, and why? Mr. Kyuranov, as our guest, would you care to be the first to answer?

[Kyuranov] History has proved that the idea of social democracy is not an idea shared by all but only by specific social groups. Looking at things from a higher and more distant point of view, we could say that today a number of parties are trying to occupy the "niche" of social democracy (provided that, in general, one could speak of any kind of "niche"). If such a trend exists within the BSP, I consider this to be a wrong, an erroneous, line. There has been a shift in parliament on the part of the BSP from extreme left to center. In my view, in that parliament there should have been several representatives of a communist party, in order to make this even clearer. Now, the BSP is shifting to the center. This is a manifestation of a necessary movement, of an accident, because the BSDP is not represented in parliament. Its absence proves the insufficient political maturity of our political life.

Our parliament must have a center. In my view, it is difficult for the BSP to occupy that center, and that should not be the case.

[Vladimirova] It is being said that a political scenario has been drafted for the creation of the SDS by the BCP/BSP [Bulgarian Communist Party/BSP], so that it might promote right-wing laws that would legitimize the economic power of the *nomenklatura* because such right-wing laws cannot be either supported or imposed by a left-wing party.

[Kyuranov] As the Italians say, "If it is not true, it is at least well conceived." In my view, this is not true because the idea of the *nomenklatura* was of exceptional importance to a totalitarian party. If we now continue to develop our policy on the basis of the *nomenklatura* and of its interests, we shall be unable to survive as a party

because today there is yet another concept: that of the electorate. If we support the interests of the *nomenklatura* today, we shall become separated from this electorate, and we shall be unable to exert our influence. Furthermore, the former *nomenklatura* already has different interests. The question could be formulated otherwise: It can be said that some of these people have already become attached to the concept of moneymaking. They made use of their positions within the party *nomenklatura* and were granted a degree of economic power. It is they who will compete with the new class that is coming up, as well as with the "new old class." Today the right side in the National Assembly includes people who are entirely defined in terms of their class origins. Gradually, they are replacing all of the people who were members of the previous National Assembly. They are identified in the parliament as "he has never been a member of the BCP." This has become a criterion. The tragedy is that precisely the same thing was taking place after 9 September 1944. Therefore, for the time being, neither the BSP nor the SDS is prepared to take the place of the BSDP.

[Vladimirova] What will you, Mr. Dertliev, have to say on such matters? Who in Bulgaria today is flirting with social democracy?

[Dertliev] To begin with, I disagree with the concept of "niche." We are dealing with a large space. A space that ranges from the center to the left area. It is defined by the structure of a nation and its way of thinking. In Bulgaria, while the BCP/BSP was ruling, we had a nation of intellectual and physical hirelings and a small stratum of rulers. All of us were hired by the state and governed by the party *nomenklatura*. Today this space has already been freed. However, the tremendous majority of people will remain hirelings. It is at this point that the possibilities of the social democratic movement begin. Many people are dooming it to disappearance, thinking that the "Swedish model" has virtually disappeared. However, they do not know that even in Sweden conservatives cannot drift too far from the social democratic model that prevails in that country. They may give a little more freedom to private capital, but the main trend will remain unchanged because the country was built by the social democratic movement. Bulgaria, as well, is noted for the social democratic tuning of its people.

After 1989, the people started to look for models and names to be used in creating parties. There were very few parties that had any kind of ideological programs and that were truly structured. The BSDP has its traditions. And so does the Agrarian Union. All of the others came out with very loose programs and with general political slogans calling for democracy.

The SDS was truly a democratic alternative and was largely social. Later, it was divided on the basis of the interests of the various groups within it. It is no accident that the SDS turned into a right-wing formation that will defend the interests of a strictly defined stratum. Where

does this stratum come from? It stems from the *nomenklatura*, which once was the political stratum but which also commanded the country economically. Now it is once again trying to run the country through its economic positions. We must add to it the stratum of speculative capital. Now we have on-line a third stratum, that of capital, which existed before the 9th. In that sense, the *nomenklatura* stemming from the BSP and the speculative and restorative capital of the SDS pursue identical economic goals. They shall be passing laws to serve their interests. However, there also exists a huge mass of people, the former and future hirelings. There also are people who would like to be independent owners. This entire huge mass is our potential electorate. It is not a "niche"; it is a social democratic space.

Similar views were proclaimed by the BSP. However, that party is facing the painful conversion from belief in communism to belief in the opposite concept. In no case, however, could I accept that an entire party could all of a sudden change its ideas. This is not a real movement but simply a political maneuver.

Had the BSP expressed a view on the abuses of the *nomenklatura*, we might have accepted the fact that that party was really marching toward democracy.

Another part of the BSP, within which the element of discipline, the cult of organization, and the elements of Bolshevik totalitarian intolerance predominate, will either develop as the BCP or as a kind of extreme right-wing party. A third BSP group, which now exists in the National Assembly and which claims to be social democratic, would prove this.

The decisive feature concerning such "social democrats" will be the laws that will be passed. Will the social democrats in the BSP and the SDS vote for a law that will eliminate the cooperatives? Will they vote for laws that could grant unheard-of privileges in the course of privatization? What will their views be on privatization and restitution? What will their views be on the land? If their positions are to the right, what kind of social democrats are they, for God's sake? Could they merely be replicating us for the sake of propaganda? Similarly, in 1945 there was an Agrarian Union, which had to appear legitimate in order to prove that in Bulgaria there was no one-party rule! This is also the fate of all replicating groups that are now claiming legitimacy through the SDS.

[Vladimirova] Is it not possible for right-wing political forces to implement a social program? At a recent press conference, Mr. Eskenazi hinted that the SDS will cautiously undertake restitution and privatization. Could it turn out that objective circumstances will make it necessary for the new government to pursue a social democratic policy?

[Dertliev] Until recently, the moment the word "social" was mentioned, it was equated with communism. One of the harsh accusations hurled at us was that we were speaking of a social market economy. Today, however,



the situation has largely changed and so has the way of thinking of even people such as Eskenazi (who has a plastic mind but also a mind filled with ideological abstractions). However, such people are sharp and realistic. I am afraid of other people, people who suffer from a schizophrenic feeling and a coldness of heart.

[Kyuranov] I believe that our leadership made a very serious error in terms of its attitude toward property. The question could have been resolved quite some time ago. The responsibility falls on the entire leadership of the BSP, although in different degrees.

[Vladimirova] Could it be that people like you, who constitute the brain trust, are being used by the BSP as a socialist screen, behind which the *nomenklatura* is strengthening within a neocapitalist structure?

[Kyuranov] Others have asked me the same question. I realize my own position and modest role in this leadership. However, I believe that people like myself, whose way of thinking is different, are not acting as screens. It is true that this has not been made sufficiently clear or publicized. Clearly, this is the result of our type of education and traditions. Traditions are not always something good.

Today everyone wants to develop a middle class. It seems to me, however, that such a middle class already exists. Throughout the period of totalitarianism, the negative features of which I do not deny, there also occurred things we cannot ignore. There were people who built themselves houses, who furnished them, who have their private farming plots and their own cars.

All of this proves the creation of a middle class. Very soon its privatization will be undertaken. This depends on the three trends within the democratic movement: the liberal, the authoritarian, and the social.

The liberal democracy, which now dominates the ruling group in parliament, will lead to the fact that between 2 and 5 percent of the population will become rich. The idea of liberalism is that this handful of rich people will pull the others up—that is, their line will be one of straightening things out from the top down.

The authoritarian democracy is the ideal of the bourgeoisie, which calls for a firm hand. However, in our country it could lead to another form of pseudodemocracy—a parliamentary dictatorship. We already have had such a manifestation in our parliament.

Social democracy is based on the universal human values: freedom, social justice, and cohesion. The question now is which of these forms of democracy will our people find more attractive. For the moment, it is as though liberal democracy has a certain advantage. However, there still are generations in Bulgaria who lived under a system of liberal democracy. They know very well that under certain circumstances it was precisely that liberal democracy that led to fascism. Therefore, the BSP should take a look at itself against the background of

these three possibilities. In my view, it can choose no democracy other than social democracy. No other trend is possible; at least that is what I think.

[Dertliev] In my view, prosperity alone does not define a give stratum as a middle class. A worker in the West has both a car and a house. However, this does not make him a member of the middle class. We are speaking in terms of an economic category. Until recently, there was no industrial middle class whatsoever in our country. We are creating it now with the Law on the Land. What will be the means of privatization? Part of it will be free bonds, and another part will assign priorities, thus ensuring the participation of the worker and the intellectual.

I am somewhat shocked, at least in terms of our way of thinking, by the idea of dividing democracy into three trends, as was done by Professor Kyuranov. Let us consider liberal democracy. It is true that today this is a fashionable word and that it is related to freedom and unlimited opportunities. However, the people must realize that opportunities vary and that such freedom, if extended without control in all areas, would lead to the creation of a small stratum of tremendous wealth. Such a way of thinking is already considered old-fashioned, even where it was invented. The concept of "authoritarian democracy" bears the elements of dictatorship. Democracy somehow cannot coexist with dictatorship. As to social democracy, I find it embarrassing to describe its charms because this constitutes the essence of my life and that of our party.

I would like to introduce a remark on the matter of the International. I noted with interest the evolution of the former communist parties, which is one of the problems with which I have been dealing for quite some time. Furthermore, in the various institutions and foundations of the International, we find people who belong to a great variety of left-wing groups, who are supporters of precisely such processes. However, it must be clear to all that no party that has not absolutely eliminated the vestiges of totalitarian thinking can be a member of the International. Such a party must be truly social democratic in terms of behavior and not only according to what it proclaims. I remember a conference that was held in Cairo in 1990. The candidate was the Italian Communist Party, the creator of Eurocommunism. This was a party that had been a dissident even in Stalin's time. Today it is very easy to be a dissident. These were brave people who undertook to democratize the party. I have been accused by people of opening the way of the BSP to the International. This is a purely speculative aspect because the International does not need any foreign influence to make up its mind. A number of processes must take place before the BSP is given the opportunity to become part of the Socialist International.

[Kyuranov] I am very familiar with this matter, and I certainly do not believe that the gates of the International will open simply at the request of the BSP. We believe, however, that at a given point we shall attract

the interest of the International. We shall not place ourselves either in a position of some kind of competition with the BSDP or act behind the backs of the social democrats. The development of the BSP is gradually offering proof that it can become a member of the International. We shall also rely on the assessment that will be made by the BSDP. In no case has Dr. Dertliev so far assisted our party in becoming a member of the International. We, meanwhile, on the basis of our overall past attitude toward the BSP, would not hasten matters if we met with a lack of understanding on the part of the BSDP.

(Turning to Dertliev) They keep accusing you of collusion with the BSP. You are being called red garbage, and the attention of the voters is being drawn away from the real problems and the sins of the BCP—the BSP today—and tomorrow, perhaps, of the BSDP. What are the grounds for this? Is it because the social democrats are left of center, or is this done for the sake of manipulating public opinion in order to discredit you and the BSDP? Generally speaking, is discrediting part of the plan to remove you from the political stage, or is it a consequence of the natural sympathy felt by the sincere socialists within the BSP (because such do exist), who would like to have nothing in common with the *nomenklatura* of the BCP/BSP and who legitimately are inclined to support social democracy?

[Dertliev] This is a way of thinking displayed by our totalitarian public. It is manifested in the following: Three or four leaders reach an understanding and share ideas in a given area, and things happen. The fact that an entire century of contradictions has accumulated is of no importance, nor is the fact that there are ideological and emotional ways of thinking that in no case make any kind of unity in following one direction or another possible.

[Vladimirova] Do you think that the BSDP, of which you are the leader, will survive, torn as it is by internal separatist forces, and will it soon be able to become a politically competitive party? Could it be that at any given political moment you may turn out to be a general without an army?

[Dertliev] The Social Democratic Party is a necessity. It is not the party of one or another personality. Now, in the period of polarization, many social democrats voted with the blue ballot. This is an open secret. The motivating element was emotions and negativism. But what will happen when the idea that the victory of the blues will solve problems becomes obsolete? When it becomes obvious that the already rich members of the BSP and the rich members of the SDS display the same type of economic behavior? Very quickly the ordinary citizen will begin to scorn the various colors. The moment the people once again become hirelings they will forget who comes from where. It is no accident that there were references to the "red bourgeoisie." The people immediately realized that the pre-9 September bourgeoisie had

been replaced by another bourgeoisie. What about now? What type of bourgeoisie shall we create?

[Kyuranov] Membership in parliament does not determine whether a party disappears or does not disappear from the political arena. This is determined by more essential matters. You mention objective circumstances. In the Central and East European countries, the idea of social democracy, in the broadest meaning of the term, is gaining ground. How can it be thought that a party—the BSDP—which has always been its representative, will vanish? At this point, a very interesting question arises: Why was it that the SDS-movement did not avoid even a single one of the errors made by the BCP? In 1946, the BCP split the social democrats from the agrarians and the radicals, who were just a "handful of people." Even that "handful of people" was split. An absolutely identical picture is currently developing. However, such a division cannot last long because it is absolute nonsense. In the Grand National Assembly, 107 of the 144 members of the opposition were former members of the BCP. Today their number has been reduced. However, they are forced to constantly prove, both to themselves and to others, that they are more Catholic than the Pope; otherwise, they would live in a state of constant discomfort. That is why to this day such people claim that the parties that did not become part of parliament will disappear. They will not disappear, and not only because they are parties that have deep historical roots, but because they answer social needs, interests, and situations. The Green Party will not disappear even though it is entirely new in our political life.

[Dertliev] When we restored the BSDP, after 10 November, there were seven of us. In just a few months, our membership reached nearly 100,000. The wind was blowing in our sails. However, this was not a social democratic wind. It was an anticommunist one. There will be a second wave of a social democratic time, and thousands and thousands of people will become true social democrats.

#### BZNS-e Cites Regional Membership Figures 92P20120A

[Editorial Report] Sofia ZEMEDEL'SKO ZNAME in Bulgarian on 7 January publishes on page 1 a box in which membership figures for the Bulgarian National Agrarian Union-United [BZNS-e] as of 24 December 1991 are listed. The numbers are listed geographically as follows:

Region	Number of Members
Burgas Oblast	12,208
Varna Oblast	10,746
Lovech Oblast	17,146
Mikhaylovgrad Oblast	12,578
Plovdiv Oblast	16,105
Razgrad Oblast	13,190



Region	Number of Members
Sofia Oblast	13,694
Sofia City	3,910
Khaskovo Oblast	12,300
Total	111,877

### Role of DPS in Rhodope Region Analyzed

92BA0203A Sofia DUMA in Bulgarian 25 Nov 91 p 8

[Article by Slavcho Vodenicharov in Blagoevgrad: "The True Face of the Movement for Rights and Freedoms in the Rhodope Region"]

[Text] We see the DPS [Movement for Rights and Freedoms] in one particular light as we listen to its leaders, whether speaking from the rostrum of the National Assembly, on the radio, or on television, or when we read them in the newspaper PRAVA I SVOBODA. I would say that this is the official face of the DPS, as it should be. However, like the two-faced Janus, the DPS also has a different face. This face is best revealed in the meetings the leaders have with the population, with the so-called electorate.

The evolution through which the DPS leadership has gone from the electoral campaign for the Grand National Assembly to the newly elected National Assembly indicates that historical proof is no obstacle to them. The existing historical documents are proclaimed to be insignificant. Whereas, in the course of the electoral campaign for the Grand National Assembly, the DPS candidates were telling the Bulgarian Muslims in the Yakoruda, Gurmen, Satovo, Smolyan, and other townships that they are Bulgarians, in the electoral campaign meetings for the new National Assembly those same voters were now being told that they are "Rhodope Turks." Consequently, their children should study the Turkish language in school, as their native tongue. Hence, the boycott of schools.

It was precisely this boycott that took me to Kornitsa Village, Gotse Delchev Township, where the regional DPS leadership for southwestern Bulgaria is located. After a talk with Angel Vulchev, the school's principal, I met with Bayryam Dzul, the mayor. Asked why, as a state official, he is not helping the school management and the parents who are Bulgarian Muslims to send their children to school, I recorded the following on my tape recorder: "Who has determined that these people, as Bulgarian Muslims, are different, and who states that the Ministry of Education and the National Assembly should introduce the study of Turkish in school?" Nonetheless, the mayor did not dare openly say the word "Turks." However, this was done by Ibrahim Kadri, the regional DPS leader: "We are ethnic Turks.... This population does not consider itself Bulgarian Muslim. There is speculation about the term 'Bulgarian Muslim.' History proves otherwise. Where is your proof that

Bulgarian Muslims are ethnic Turks? I kept insisting. And this is what I heard: 'A new history is being written by our people.'"

Initially, I thought that the blindness and the malice had moved both men far from Kornitsa. That is why I decided to request a meeting with a DPS leader from the center. Instead of being held in Sofia, the meeting took place in Yakoruda. Professor Tatarlu agreed to be interviewed on Radio Blagoevgrad. One of my questions to him was: "Are you not concerned by the fact that the regional leaders of the DPS in southwestern Bulgaria deny the historically developed status of Bulgarian Muslims to profess the Islamic religion, classifying them now as ethnic Turks?" Here is Professor Tatarlu's answer: "Let every person determine for himself what he is—that is, let him be what he believes himself to be. This is a formulation accepted in all international agreements. I am referring, for instance, to the International Pact on Political and Civil Rights, Article 27, and to other accords and so on that take this stand. We are not concerned with the generic origin of the people. Let historians and other scientists deal with this. We approach this matter politically."

The big question that interested me in that case was the extent to which the thoughts and actions of the local and regional DPS leaders in Kornitsa coincided with the line of the central leadership. I kept allowing for the fact that, as a result of excess zeal and rejection of history, they ignored not only irrefutable proofs but also contemporary realities. Unfortunately, what I heard and recorded in Kornitsa and Yakoruda surprised me less for its historically unforgivable wrongness than for the clearly defined line of the DPS, acting as a political party, according to which the Rhodope area is its territory and only one power must prevail on its territory—that of the DPS. That power is only formally Bulgarian because the strategic objective is to Turkicize the Rhodope Bulgarian Muslims mainly through the study of the Turkish language at school.

The entire Sofia leadership was present at the Yakoruda meeting, where I talked with Mr. Tatarlu. Not two or three but seven persons spoke. Naturally, the last to speak was Ahmed Dogan. It is unnecessary to emphasize that he was welcomed as a messiah. He unequivocally told those assembled: "The boycott will continue until final victory: Once and for all, the question of the study of Turkish in school will be resolved." Subsequently, asked about the participation of the DPS in the new government, its first leader said: "The most suitable position for me would be that of minister of internal affairs."

There was also Turkish spoken in Yakoruda. Mr. Ali Hussein read a passage from the Koran in Turkish, after which, naturally, it was translated; Mr. Osman Oktay welcomed those attending the meeting in the Turkish language, although he knew perfectly well that the local population did not speak Turkish. This was of no importance. What mattered was the propaganda insinuation that these people are not Bulgarians but "Rhodope Turks."

The harsh truth must not be ignored. Under the banner of protecting civil rights and freedoms, the DPS is engaged in Turkicizing a segment of the Bulgarian people. It is time to put an end to the dirty thoughts concerning the Bulgarian Muslims! Unless this is realized by some political and government people in contemporary Bulgaria as being an anti-Bulgarian and antinational DPS action, the cost may be rather high to our national interests and to our national security in the future.

#### **Restitution by Means of Compensation Bonds**

92BA0197A Sofia DEMOKRATSIYA in Bulgarian  
26 Nov 91 p 1

[Interview with Asen Michkovski and Valentin Karabashev, Union of Democratic Forces deputies, by Ventsislav Lakov; place and date not given: "Restitution Also May Be by Means of Compensation Bonds"]

[Text] A bill for restitution of expropriated property will be introduced into parliament in the coming days. We discuss the economic essence of the bill with its authors, SDS [Union of Democratic Forces] deputies Asen Michkovski and Valentin Karabashev.

[Lakov] In translation, the term restitution means "restoration to the former situation." How do you interpret it?

[Michkovski] The sense in which I understand restitution is to restore the right to personal property. There was a fair amount of wrangling about whether restitution has to precede privatization, or take place after it. Our opinion is that the processes may proceed in parallel, but two separate laws are needed for the purpose.

[Lakov] How will restitution be performed?

[Michkovski] This is the question about which the greatest arguments exist. Even certain circles in the BSP [Bulgarian Socialist Party] speak about restitution, but they absolutize only certain forms. The position of the SDS is the following: Property expropriated according to the Law on the Expropriation of Large City House Property (ZOEGPNS), as well as the forced buying and selling of minimum prices according to the 60th PMS [Council of Ministers Decree] of 1975, will be returned, if it is preserved in the physical sense and if third party owners in good faith do not have a right to it.

In the cases where this property does not exist, its owners or heirs must receive compensation for it.

[Lakov] In what form and to what degree will the compensation be?

[Karabashev] We insist on compensation to the maximum degree possible. We must strive for 100 percent, after the problems of revaluation are taken into account. The process will be very complicated, but it is not impossible.

[Michkovski] This is the quantitative side of the problem. The form in which the compensation will be obtained is also very important. In the current situation, monetary compensation is impossible because of the economic difficulties, and, in the inflationary situation, it will not be desired by the population.

[Karabashev] The people will be compensated by means of stocks or, more generally speaking, by means of a guaranteed participation in the process of privatization. We will continue issuing compensation bonds with which one may participate in all forms of privatization. For this reason, the owners will not have to be enslaved to their former property. Inasmuch as industrial property almost does not exist in the form in which it was expropriated, it is very hard to make a precise evaluation. The compensation bonds are an advantage in this case, especially because their owners will be able to convert them into money. How many old buildings like this await their former owners?

[Lakov] What will be the fate of the well-intentioned owners, who now hold property subject to restitution?

[Karabashev] If the third party is a state or a public agency, there is no problem. If the new, well-intentioned owners are physical persons, in our opinion they do not have to return the acquisitions to the original owners. Those who are harmed for this reason will receive compensation bonds.

[Lakov] When will the property be returned?

[Michkovski] The time will depend on the speed with which the bills are passed, the speed of building, and the activity of the agency for privatization. The state of the economy and the political situation are important. The property that exists in real dimensions may be returned very easily. In other cases, the process will be slower because the disputes that have arisen will be solved in the court.

[Lakov] Would you summarize the principles according to which you are working on the bill?

[Karabashev] Unlike the experts of the BSP, we are taking different approaches depending on the ways in which it is implemented. We are taking account not only of the financial aspect, but also of the moral aspect of the injury. Restitution cannot be considered on only an economic basis. The moral considerations are primary in this case. All of us concerned are striving to obtain moral retribution, of course without burdening the national budget.

**SNR Presents Draft of Republic's Constitution****Publication of Draft Announced**

92CH0260A Bratislava NARODNA OBRODA in Slovak  
23 Dec 91 p 1

[Unattributed article: "Proposal for a Constitution of the Slovak Republic"]

[Text] The leadership of the Slovak National Council [SNR] has continued with public discussions of the Proposal for a Constitution of the Slovak Republic. We will bring our readers the full text on 27 and 28 December.

Today we are presenting a brief explanation about the Proposal for a Constitution of the Slovak Republic, particularly about its editorial arrangement. The basic text of the Proposal for a Constitution of the Slovak Republic has been worked up from the coordinated proposals and positions of the political parties and the political movements. Alternative proposals, particularly those on which agreement was not reached, are included under the appropriate chapter heading.

Overall, we can point out the following most important possible solutions which the Proposal for a Constitution of the Slovak Republic presents:

1. The Constitution of the Slovak Republic is based on the idea of a joint state with its own sovereignty, legislative body, and a leadership functioning as the collective head of the republic. It presumes the signing of a state agreement with the Czech Republic as is expressed in Chapter X—The Joint State.

2. The Constitution of the Slovak Republic, which throughout its text has been prepared with consideration of a connection with the Czech Republic, takes into account the present status of the Czech and Slovak Federal Republic established by the constitution in the form of a joint state, a component part of which is the Slovak Republic (an alternative, but without Chapter X).

3. The Constitution of the Slovak Republic deals with the legislative and executive agencies of power, as well as with the office of president of the republic. This alternative also makes it possible for the Slovak Republic to continue to exist in the joint state with the signing of a state agreement with the Czech Republic (the alternative of Chapter V—The President as the Head of State).

4. The Constitution of the Slovak Republic takes upon itself all the legislative and executive powers and assumes a union of states or some other free form of connection with the other European states, including the Czech Republic (the basic text with Chapter X—The Joint State and using the alternative Chapter IV—The President as the Head of State).

At the end of the Proposal for a Constitution of the Slovak Republic there is inserted a proposal of the deputies' club of the Hungarian Christian Democratic

Movement, Egyuttes, for a solution to the question of the rights of nationality and ethnic minorities. As a preliminary look at the effectiveness of the solution, which might better be called a survey, the chapter was not included into the individual provisions of the appropriate chapters.

After a nationwide discussion, it will again be necessary to evaluate the comments and incorporate the proposals into the constitutional proposal. This work is entrusted to the commission of deputies which worked out the Proposal for a Constitution of the Slovak Republic published here.

In its resolution No. 682 of 17 December 1991, the leadership of the Slovak National Council announced a public discussion of the proposal submitted for a Constitution of the Slovak Republic, which discussion will be terminated by 31 January 1992.

Citizens and organizations have the opportunity to submit their comments on the chapters and articles of the constitutional proposal which has been submitted. It is recommended that the comments include a reference to the appropriate portion (or article) of the proposal and they should be sent to the following address: Office of the Slovak National Council, October Square No. 12, 812 80 Bratislava, Attention: SR Constitution

**Introduction, Parts I-IV**

92CH0260B Bratislava NARODNA OBRODA in Slovak  
27 Dec 91 pp 8-10

[Text]

**Introduction**

We, the citizens of the Slovak Republic, remembering the political and cultural heritage of our ancestors and the hundreds of years of experience in struggles for a national existence and our own Slovak statehood so that we could protect and increase the basic human rights and freedom and ensure a democratic form of government, cast our vote through our representatives on this Constitution of the Slovak Republic.

Bratislava, December 1991

**CHAPTER I****BASIC PROVISIONS****Article 1**

(1) The Slovak Republic is a sovereign state founded on the right of the Slovak people to self-determination.

(2) The Slovak Republic is a law-governed, democratic, and socially just state of the Slovak people, nationality minorities, and ethnic groups which live within it.

(3) The Slovak Republic is founded on democratic values and is not bound to any exclusive ideology nor any religious creed.

**Article 2**

- (1) The state power comes from the people and belongs to the people who exercise it by means of their elected representatives or directly. The legislative, executive, and judicial powers are separate.
- (2) The state power can only be employed on the basis of this constitution and within its limits and by those means established by law.
- (3) The basis for the territorial self-government is the municipalities which perform the governing through their own representative agencies elected by the citizens.
- (4) Everyone can do whatever is not forbidden by law and no one can be forced to do anything which is not required by law.

**Article 3**

- (1) The conditions for acquisition and loss of state citizenship in the Slovak Republic are laid down by law.
- (2) No one can be deprived of state citizenship in the Slovak Republic against his will.

Alternative:

Augment with Section 3.

- (3) Citizens of the Czech Republic have the same rights and obligations on the territory of the Slovak Republic as citizens of the Slovak Republic.

**Article 4**

- (1) The territory of the Slovak Republic is unified and indivisible.
- (2) The borders of the Slovak Republic can be changed only by constitutional law of the Slovak National Council.

**Article 5**

- (1) On the territory of the Slovak Republic, the Slovak language is the state language.
- (2) The use of other languages in official contacts will be set by law.

Alternative to Article 5:

- (1) On the territory of the Slovak Republic, the Slovak language is the official language.
- (2) The Czech language can be used with equal rights in official contacts.
- (3) Nationality (alternatively, national) minorities have the right to use their own languages in official contacts.

**Article 6**

- (1) The Slovak Republic will cooperate with other states on the basis of mutual benefits and respect for sovereignty.

- (2) The Slovak Republic rejects war as a means of resolving international disputes.

**Article 7**

The Slovak Republic can enter into an alliance with other states on the basis of its free decision. The right to enter into an alliance cannot be restricted.

Alternative Article 7:

- (1) The Slovak Republic together with the Czech Republic forms the Czech and Slovak Federal Republic.
- (2) Mutual relations between the Czech Republic and the Slovak Republic in relation to the Czech and Slovak Federal Republic are set by a state legal treaty concluded between the Czech Republic and the Slovak Republic.
- (3) A state legal treaty between the Czech Republic and the Slovak Republic is an integral part of the Constitution of the Czech and Slovak Federal Republic.

Alternative:

Insert Article 8

**Article 8**

The Slovak Republic can freely withdraw from the Czech and Slovak Federal Republic on the basis of a popular vote (a referendum).

**CHAPTER II**

**BASIC RIGHTS AND FREEDOMS**

**Section 1**

**General Provisions**

**Article 9**

International treaties on human rights and basic freedoms which are ratified and announced by the Czech and Slovak Federal Republic and other treaties which are binding for the Slovak Republic are generally binding on its territory and have precedence over the laws of the Slovak National Council.

Alternative Article 9:

International treaties on human rights and basic freedoms which are binding for the Slovak Republic are generally binding on its territory and have precedence over its laws.

**Article 10**

- (1) People are free and equal in their dignity and their rights. The basic rights and freedoms are inviolable, inalienable, have no time limitations, and cannot be taken away.
- (2) The basic rights and freedoms are guaranteed on the territory of the Slovak Republic for everyone without regard to sex, race, color of skin, language, faith and

religion, political or other opinions, national or social origin, membership in a national or ethnic group, property, birth, or any other situation. No one is allowed to be injured, excluded, or disadvantaged for such reasons.

(3) Everyone has the right to decide freely on his own nationality. Any kind of influencing of that decision is forbidden, along with all methods of exerting pressure directed at depriving anyone of his nationality.

(4) No one can be subjected to a loss of rights in exercising their basic rights and freedoms.

#### Article 11

(1) Obligations can be placed only on the basis of law, within its limits, and in keeping with the basic rights and freedoms.

(2) Basic rights and freedoms can be limited only by law under conditions established by this constitution.

(3) Limitation of basic rights and freedoms must apply equally for all cases which meet the established conditions.

(4) In limiting basic rights and freedoms, care must be given to their substance and intent. The limitations cannot be misused for purposes other than those for which they were established.

#### Section 2

#### Basic Human Rights and Freedoms

#### Article 12

Everyone is competent to have rights.

#### Article 13

(1) Everyone has the right to life. Human life is worthy of protection even before birth.

(2) No one can be deprived of life.

(3) The death penalty is not allowed.

(4) According to this article, it is not a violation of rights if someone is deprived of life in connection with acts which are not punishable by law.

#### Article 14

(1) The inviolability of persons and their privacy is guaranteed. There can be limitations only in cases established by law.

(2) No one is allowed to be tortured or subjected to cruel, inhuman, or degrading treatment or punishment.

#### Article 15

(1) Personal freedom is guaranteed.

(2) No one is allowed to be prosecuted or deprived of freedom in any way other than for the reasons and by the

methods established by law. No one is allowed to be deprived of freedom only for the inability to meet contractual obligations.

(3) A person accused or suspected of a criminal act can be held only in those cases established by law. The person being held must be immediately informed of the reasons for detention, given a hearing, and in no less than 24 hours released to freedom or handed over to the court. The judge must hold a hearing and decide within 24 hours on custody for the person detained or release that person to freedom.

(4) The accused can be imprisoned only upon a written and justified order by a judge. The person arrested must be turned over to a court within 24 hours. Within 24 hours of a jailed person being turned over to a judge, the judge must hold a hearing and decide on detention in custody or release of the person to freedom.

(5) Persons can be taken into custody only for the reasons and for the time established by law and on the basis of a decision of the court.

(6) The law establishes the cases in which a person can be handed over to or detained in an institute of medical care without his consent. Such actions must be reported within 24 hours to a court which will make a decision on the incarceration within seven days.

(7) Examination of the mental state of a person accused of a criminal act is allowed only by written court order.

#### Article 16

(1) No one is allowed to be subjected to forced labor or service.

(2) The provisions of Paragraph 1 do not apply to:

a) Work assigned according to the law to persons in the performance of their punishment of being deprived of freedom or to persons performing another sentence replacing the punishment of being deprived of freedom.

b) Military service or another service established by law in place of mandatory military service.

c) Service required on the basis of a law in the case of natural disasters, accidents, or other dangers which threaten life, health, or significant amounts of property.

d) Actions required by law for the protection of life, health, or the rights of others.

#### Article 17

(1) Everyone has the right to have their human dignity, personal honor, and good reputation preserved and their good name protected.

(2) Everyone has the right to protection against unauthorized intrusion into their private and family lives.



(3) Everyone has the right to protection against unauthorized gathering, publication, or other misuse of data about them as a person.

#### Article 18

(1) Everyone has the right to own property. The ownership right of all owners has equal legal content and protection. The right of inheritance is guaranteed.

(2) The law establishes which property is essential for meeting the needs of society, the development of the national economy, and the public interest and can only be the property of the state, municipality, or designated legal entity; the law can also establish that certain things can only be the property of citizens or legal entities with their address of record in the Slovak Republic.

(3) Ownership carries obligations. It cannot be misused at the expense of the rights of others or in conflict with the general interests protected by law. The exercise of ownership rights is not allowed to harm human health, nature, historical monuments, or the environment beyond the degree set by law.

(4) Expropriation or forced limitation of ownership rights is possible only in the public interest and only on the basis of law and with compensation.

(5) Taxes and fees can be levied only on the basis of law.

#### Article 19

(1) A residence is inviolable. Entering it is not permitted without the consent of the person who lives in it.

(2) Searching a residence is permitted only for purposes connected with a criminal act and only with a written and justified court order. The order must be in hand before carrying out the search of the residence or, in exceptional (justifiable) cases where this is not possible, it must be delivered within 24 hours of the search being performed. The method of performing a search of a residence will be established by law.

(3) Other intrusions into the inviolable nature of the residence can be permitted by law only when it is essential in a democratic society for the protection of life or people's health, for the protection of the rights and freedoms of others, or to avert a serious threat to public safety and order. If a residence is also used for a business or for the performance of other economic activities, such intrusions can be permitted by law in cases where it is essential for performing the tasks of public administration.

#### Article 20

(1) The secrecy of letters, the secrecy of transmitted messages, and that of other written documents and the protection of personal information are guaranteed.

(2) No one is allowed to violate the secrecy of mail or the secrecy of other documents and records, whether already held privately or being sent by mail or another method,

with the exceptions of cases and methods which are established by law. Likewise, the secrecy of messages passed by telephone, telegraph, or another similar facility is guaranteed.

#### Article 21

(1) Freedom of movement and sojourn is guaranteed.

(2) Everyone who is rightfully staying on the territory of the Slovak Republic has the right to leave it freely.

(3) These freedoms can be limited by law as far as it is essential for the security of the state, maintenance of public order, the protection of health, or the protection of the rights and freedoms of others, and also for reasons of protecting nature on designated lands.

(4) Each citizen has the right of free entry onto the territory of the Slovak Republic. A citizen of the Slovak Republic cannot be forced to leave his own country and cannot be deported or expelled to another state.

(5) Foreigners can be deported only in those cases established by law.

#### Article 22

(1) Freedom of opinion, conscience, and religious creed is guaranteed. Everyone has the right to change their creed or to have none. Everyone has the right to express freely their religion or belief, either alone or together with others, privately or publicly, in divine services, instruction, religious acts, or the observance of ceremonies.

(2) Churches and religious societies administer their own affairs and first of all set up their own organizations, establish their own spiritual institutions, and set up religious orders and other church institutions independent of the state agencies.

(3) The conditions for teaching religion in state schools will be established by law.

(4) The performance of these rights can be limited by law when it is a measure which is essential in a democratic society for the protection of public security and order, health and morality, or the rights and freedoms of others.

#### Article 23

No one can be forced to perform military service if it is in conflict with his conscience or religious belief. The details will be established by law.

#### Section 3

#### Political Rights

#### Article 24

(1) Freedom of expression and the right to information are guaranteed.

(2) Everyone has the right to express their opinions verbally, in writing, in the press, by image, or in any other way, as well as to acquire, receive, and disseminate ideas and information without regard to state borders. The press is not subject to being granted permission. Free enterprise in the field of broadcast radio and television can be dependent on state permission.

(3) Censorship is not permitted.

(4) Freedom of expression and the right to acquire and disseminate information can be limited by law when it is a measure which is essential in a democratic society for the protection of the rights and freedoms of others, the security of the state, public safety, or the protection of public health and morality.

(5) State agencies and territorial self-government agencies are obliged to provide information on their activities in an appropriate manner. The conditions and performance of this requirement will be established by law.

#### Article 25

(1) The right of petition is guaranteed. Everyone has the right, either alone or with others, to turn to the state agencies and the territorial self-government agencies with requests, proposals, and complaints in matters of public and other societal interests.

(2) Petitions are not allowed to advocate the violation of the basic rights and freedoms guaranteed by the Constitution of the Slovak Republic.

(3) Petitions cannot affect the independence of the judiciary.

#### Article 26

(1) The right of peaceable assembly is guaranteed.

(2) This right can be limited by law in cases of assembly at public locations when it is a measure in a democratic society which is essential for the protection of the rights and freedoms of others; protection of public order, health and morality, or property; or for the security of the state. However, assemblies cannot be subject to the approval of any agency of public administration.

#### Article 27

(1) The right of free association is guaranteed. Everyone has the right to associate himself with others in clubs, societies, or other associations.

(2) Citizens also have the right to establish political parties and political movements and to associate together in them.

(3) The exercise of these rights can be limited only in those cases established by law when it is essential in a democratic society for the security of the state, the protection of public safety and public order, to prevent a criminal act, or for the protection of the rights and freedoms of others.

(4) Political parties and political movements, as well as other associations, are separate from the state.

(5) Political parties and political movements, as well as other associations, are obliged to publish information on their income and the sources of income to the extent established by law.

#### Article 28

(1) Citizens have the right to participate in the administration of public matters directly or through their freely elected representatives.

(2) Elections must take place within time limits which do not exceed the regular election periods established by law.

(3) Voting rights are universal and equal and are exercised in secret balloting. The conditions for the exercise of voting rights will be established by law.

(4) Citizens have the right to equal conditions of access to elections and other public functions.

#### Article 29

The legal system for all political rights and freedoms and its interpretation and utilization must make possible and protect a free competition of political forces in a democratic society.

#### Article 30

Citizens have the right to place themselves in opposition to anyone who would do away with the democratic order of human rights and basic freedoms contained in this constitution, when the activities of the constitutional agencies and effective utilization of legal means are not possible.

#### Section 4

##### The Rights of Nationality Minorities and Ethnic Groups

#### Article 31

Belonging to any nationality minority or ethnic group cannot be used against anyone to their detriment.

#### Article 32

(1) The citizens forming a nationality minority or ethnic group in the Slovak Republic are guaranteed overall development, especially the right of developing their own culture together with other members of the minority, the right of disseminating and receiving information in their mother tongue, and the right of association in nationality associations. Details are to be established by law.

(2) Citizens belonging to nationality minorities or ethnic groups are also guaranteed the following under conditions established by law:

a) The right to an education in their language.

b) The right to use their language in official contacts.

c) The right to participate in the resolution of matters concerning nationality minorities and ethnic groups.

(3) The exercise of civil rights belonging to nationality minorities and ethnic groups guaranteed in this constitution is not allowed to lead to disruption of the integrity of the Slovak Republic or to discrimination against the other parts of the population.

**Alternative Article 32:**

(1) Citizens forming a nationality minority or ethnic group are guaranteed conditions for overall development, especially the right to develop their own culture independently or jointly with other members of the minority and the right to associate in nationality associations.

(2) Citizens forming a nationality minority or ethnic group are also guaranteed:

a) The right to an ethnic, cultural, linguistic, and religious identity.

b) The right to preserve, protect, and develop their own national and ethnic identities.

c) The right to an education in their language.

d) The right to information in their language.

e) The right to use their language in official contacts.

f) The right to create cultural institutions.

g) The right to participate in the resolution of matters concerning nationality minorities and ethnic groups. Details are to be established by law.

(3) Citizens forming a nationality minority or ethnic group can exercise and utilize their rights independently, as well as jointly with other members of their group.

(4) The assertion of the rights of nationality minorities and ethnic groups by citizens forming these minorities or groups cannot violate the similar rights of other citizens.

**Section 5**

**Economic, Social, and Cultural Rights**

**Article 33**

(1) Everyone has the right to free choice of profession and to training in it, as well as the right to engage in free enterprise and to carry out other activities.

(2) The law can set conditions and limits on the exercise of certain professions and activities.

(3) Everyone has the right to acquire resources for their necessities of life by working. Citizens who are not able to exercise this right through no fault of their own will be

supported materially by the state to an appropriate extent. The conditions will be set by law.

(4) For foreigners, the law can establish a different arrangement of the rights contained in Paragraphs 1 through 3.

**Article 34**

Employees have a right to proper and satisfactory working conditions. The law ensures in particular:

a) The right to work sufficient to provide a dignified standard of living.

b) Protection against irresponsible dismissal from employment.

c) Safety and health protection during work.

d) A maximum allowable length of the working day.

e) An appropriate rest period after work.

f) A minimum allowable period of paid holiday for recovery.

**Article 35**

(1) Everyone has a right to associate freely with others for the protection of their economic and social interest.

(2) Trade union organizations are formed independently of the state. Limiting the number of trade union organizations is not allowed, nor is excluding some of them from an enterprise or branch of industry.

(3) The activities of trade union organizations and the creation and activities of other associations for the protection of economic and social interests can be limited by law when it involves measures essential in a democratic society for the protection of the security of the state, public order, or the rights and freedoms of others.

(4) The right to strike is guaranteed under conditions established by law, but this right does not apply to the courts, prosecutors, members of the armed forces, or members of the police corps.

**Article 36**

(1) Women, juveniles, and persons affected by ill health have the right to increased protection of their health during work and to special working conditions.

(2) Juveniles and people affected by ill health have the right to special protection in working relationships and to assistance in vocational training.

(3) The details will be established by law.

**Article 37**

(1) Citizens have the right to appropriate material support in their old age and when incapable of working, as well as in the case of the loss of the wage earner.

(2) Everyone who is in material need has the right to such help as is essential to provide the basic living conditions.

(3) The details will be established by law.

#### Article 38

Everyone has the right of protection of health. On the basis of public insurance, citizens have the right to free medical care and to health aids under conditions which will be established by law.

#### Article 39

(1) Marriage, parenting, and the family are under the protection of the law. Special protection of children and juveniles is guaranteed.

(2) Pregnant women are guaranteed special care, protection in work relationships, and appropriate working conditions.

(3) Children born within a marriage and those born out of wedlock have the same rights.

(4) Care of children and their upbringing is the right of the parents; children have the right to upbringing and care by parents. The rights of parents can be limited and minor children can be taken away from their parents against their will only by a court decision on the basis of law.

(5) Parents who are caring for children have a right to help from the state.

(6) The details will be established by law.

#### Article 40

(1) Everyone has the right to an education. School attendance is mandatory until such time as is established by law.

(2) Citizens have the right to a free education in elementary schools and middle schools and, according to the capabilities of the citizen and the ability of society, also in higher schools.

(3) It is possible to establish other schools than state ones and to teach in them only under conditions set out by law; in such schools, the education may be offered in return for payment.

(4) The law will establish under which conditions citizens have the right to assistance from the state in their studies.

#### Article 41

(1) Freedom of scientific investigation and knowledge is guaranteed. The right to the results of creative mental activities is protected by law.

(2) The right of access to cultural wealth is guaranteed under conditions set by law.

#### Section 6

#### The Right to the Protection of Nature, the Environment, and the Cultural Heritage

#### Article 42

Everyone has the right to a favorable environment which does not threaten their health and which provides conditions for their overall physical and mental development. Everyone is obliged to respect this right.

Alternative:

Article 42 is excluded.

#### Article 43

(1) Everyone is obliged to protect nature, the environment, and the cultural heritage, having a regard for future generations.

(2) No one is allowed to harm nature, the environment, or the cultural heritage, particularly the wealth of species in nature, individual organisms, the ecological stability of the biosphere, natural resources, inanimate nature, or cultural monuments beyond the degree established by law.

#### Article 44

Everyone has the right to demand the approval of measures for the protection of nature, the environment, and the cultural heritage.

#### Article 45

Everyone has the right to timely and full information on the status of nature, the environment, and the cultural heritage and their protection, the degree of pollution, and damage to them and on the reasons for and consequences of that status.

#### Article 46

In exercising their rights, no one is allowed to threaten or harm the environment, natural resources, the wealth of species in nature, or cultural monuments beyond the degree established by law.

#### Article 47

State agencies and the territorial self-government agencies will take care in making decisions that the goal of a sustainable development of society be met and will create conditions for the education of the younger generation on the protection of nature, the environment, and cultural monuments.

## Section 7

### The Right to Trial and Other Legal Protection

#### Article 48

(1) Everyone can, in the established procedure, claim their own rights to an independent and impartial court and, in established cases, to another agency of the Slovak Republic.

(2) Anyone who claims that he has been wronged in terms of his rights by a decision of an agency of public administration can turn to the courts for an assessment of that decision, if the law does not state otherwise. Decisions concerning basic rights and freedoms according to this constitution cannot, however, be excluded from the jurisdiction of the courts.

(3) Everyone has the right to compensation for damages caused by an unlawful decision of the courts, another state agency, or an agency of public administration or by an incorrect administrative procedure.

(4) The conditions and details will be established by law.

#### Article 49

(1) Everyone has a right to refuse to make a deposition if such a deposition could cause the danger of criminal prosecution for himself or someone close to him.

(2) Everyone has the right to legal assistance in proceedings before the court, other state agencies, or agencies of public administration, right from the beginning of the proceeding.

(3) All participants are equal in the proceedings.

(4) Anyone who states that he is not fluent in the language in which the proceeding is taking place has a right to an interpreter.

#### Article 50

(1) No one can be deprived of his legal judge. The jurisdiction of courts and judges will be established by law.

(2) Everyone has the right for his affair to be discussed publicly, without unnecessary delays, and with him present so that he can express himself on all evidence presented. The public can be excluded only in cases established by law.

#### Article 51

Only the law establishes which actions are criminal acts and what punishment or other deprivation of rights or property can be given for committing them.

#### Article 52

(1) Only the court decides on guilt and the punishment for criminal acts.

(2) Everyone against whom criminal proceedings are brought is considered innocent unless a legally valid convicting verdict of the court has expressed his guilt.

(3) The accused has the right that he be granted the time and opportunity for preparing a defense and that he can defend himself or be represented by a defense counsel. If he does not choose a defense counsel, even though he must have one according to law, one will be assigned by the court. The law will establish in which cases the accused has a right to free assistance by a defense counsel.

(4) The accused has the right to refuse to make a deposition; he cannot be deprived of this right in any manner.

(5) No one can be criminally prosecuted for an act for which he has already been properly legally sentenced or acquitted of the accusation. This principle does not exclude the application of special corrective actions in accordance with the law.

(6) The criminality of an act is judged and the punishment sentenced in accordance with the law in effect at the time when the act was committed. A later law is used if it is more favorable to the perpetrator.

## Section 8

### Common Regulations

#### Article 53

(1) The rights contained in Articles 33, 34, 35 Paragraph 4, 36 through 38, 39, 40, and Section 6 of Chapter II of this constitution can be claimed only within the limits of the laws which put these regulations into effect.

#### Article 54

(1) When the term "citizen" is used in this part, this is understood to be a state citizen of the Slovak Republic.

(2) Foreigners in the Slovak Republic enjoy the human rights and basic freedoms guaranteed by the Constitution of the Slovak Republic which are not expressly reserved only for citizens of the Slovak Republic.

(3) When existing regulations use the term "citizen," it is understood, as far as basic rights and freedoms are concerned, to mean every person whom the Constitution of the Slovak Republic recognizes, without regard to state citizenship.

Alternative:

Add to Paragraph 1 the words "a citizen of the Czech Republic on the territory of the Slovak Republic has the same rights and obligations as a citizen of the Slovak Republic."



**Article 55**

The Slovak Republic offers asylum to any foreigner persecuted for exercising his political rights and freedoms. Asylum can be refused to anyone who acted in conflict with basic human rights and freedoms.

**Article 56**

The law can limit judges' and public prosecutors' rights to free enterprise and other economic activities and the rights contained in Article 27, Paragraph 2; the rights of employees of state administration and territorial self-government in functions which determine the rights also contained in Article 35, Paragraph 4; and members of the police corps and members of the armed forces are also limited in the rights contained in Articles 25, 26, and 35, Paragraph 1, as far as they depend on the performance of service. Persons in professions which are directly essential for the protection of life and health can have their right to strike limited by law.

**CHAPTER III****THE ECONOMY****Article 57**

The Slovak Republic has the supreme right to decide on the economy, to determine the developmental goals of the Slovak economy, to choose the instruments for achieving these goals, and to enter into foreign economic relationships.

**Article 58**

The basis for the economy of the Slovak Republic is property and natural wealth which are located on its territory. The state protects this natural wealth and creates conditions for increasing it.

**Alternative Article 58:**

The basis for the economy in the Slovak Republic is property and natural wealth which are located on its territory. The state protects this natural wealth and creates conditions for increasing it.

**Article 59**

(1) The economy of the Slovak Republic is based on the principles of a socially and ecologically oriented market economy.

(2) The state protects and supports economic competition. The details will be established by law.

**Article 60**

The state can affect the field of prices only to the essential degree established by law, especially in determining the prices of strategic raw materials and the basic needs of the populace and in the field of transportation tariffs.

**Article 61**

The state takes care of the development of the fuel and energy base and the transportation and information infrastructure and of the development of basic foodstuffs articles.

**Article 62**

(1) The Slovak Republic establishes and audits the issuing functions of the Slovak National Bank.

(2) The state protects the currency and the monetary system by law.

**Alternative:**

The Slovak Republic establishes the Slovak National Bank.

**Alternative:**

Insert Article 63

**Article 63**

The Slovak Republic is a customs territory.

**Article 64**

(1) The financial management of the Slovak Republic is administered by the state budget. The law on the state budget of the Slovak Republic is approved for a period of one year.

(2) Receipts for the state budget of the Slovak Republic come from:

a) Taxes and payments from surcharges on local taxes.

b) Charges from a surcharge on local charges.

c) Receipts from the activities of agencies of the Slovak Republic and legal entities administered by them.

d) Other receipts as established by law.

(3) The rules of financial management and the relationships between the state budget of the Slovak Republic and the district budgets will be established by law.

(4) Designated-purpose funds linked to the state budget of the Slovak Republic are set up by law.

**Article 65**

(1) Taxes and charges are state and local.

(2) Taxes and charges can be levied only by law or on the basis of law.

**CHAPTER IV**  
**THE LEGISLATIVE POWER**

**Section 1**

**The Slovak National Council Alternative: The  
Parliament of the Slovak Republic**

**Article 66**

The sole constitutional and legislative agency of the Slovak Republic is the Slovak National Council.

**Article 67**

(1) The Slovak National Council has 150 deputies elected for five-year terms.

(2) The conditions for exercising voting rights for the Slovak National Council, as well as the method of electing and recalling deputies of the Slovak National Council, will be established by a law of the Slovak National Council.

(3) The position, rights, and obligations of deputies of the Slovak National Council will be laid out by a law of the Slovak National Council.

Alternative:

Paragraph 2 is designated as 3 and Paragraph 3 as 4.

(2) The deputies represent the people. They exercise their mandate according to their conscience and convictions and are not bound by any orders.

**Article 68**

(1) The deputies are elected in general, equal, and direct elections by secret balloting.

(2) Any citizen of the Slovak Republic who has the right to vote and is permanently residing on the territory of the Slovak Republic can be elected as a deputy of the Slovak National Council.

Alternative:

Add paragraphs:

(3) Election to the Slovak National Council takes place through a system of proportional representation. The political parties or political movements which do not receive the number of valid votes in the voting district which is established by law do not receive a mandate.

(4) The details will be established by a law of the Slovak National Council.

**Article 69**

(1) The Slovak National Council will convene for the initial (first) session within 30 days from the election day for the Slovak National Council.

(2) The Slovak National Council convenes twice a year (the spring session and the autumn session).

(3) The chairman of the Slovak National Council calls the Slovak National Council into session and closes the session on the basis of a resolution by the Chairmanship of the Slovak National Council.

(4) If requested in writing by no less than one-third of the deputies, the chairman of the Slovak National Council is obliged to call the Slovak National Council into session within seven days.

**Article 70**

(1) Meetings of the Slovak National Council are called by its chairman on the basis of a resolution by the Chairmanship of the Slovak National Council.

(2) The chairman of the Slovak National Council also calls a meeting of Slovak National Council when it is requested in writing by no less than one-third of the deputies to the Slovak National Council. In this case, the meeting is called within seven days or within the time limits contained in the request.

(3) Meetings of the Slovak National Council are usually public.

(4) A closed meeting can be held only if the Slovak National Council resolves to hold one.

**Article 71**

The jurisdiction of the Slovak National Council includes in particular:

a) To pass decrees on the Constitution of the Slovak Republic, constitutional laws, and the laws of the Slovak National Council and to monitor how they are executed.

b) To ratify international treaties which require a law by the Slovak National Council for their execution.

c) To discuss basic questions of domestic policy and foreign relations of the Slovak Republic.

d) To decide on calling referenda. The subject of a referendum and its conditions will be established by a constitutional law of the Slovak National Council.

e) To approve a constitutional law of the Slovak National Council on entering into any alliance with another state and on withdrawing from that alliance, to approve by constitutional law a treaty on entering into an alliance with another state and on withdrawing from that alliance, or to decide by constitutional law on calling a referendum which decides on these matters.

f) To establish and abolish ministries and other central agencies of state administration of the Slovak Republic by a law of the Slovak National Council.

g) To establish by law the Supreme Auditing Agency of the Slovak Republic.

h) To approve the basic orientations of the economic and social policies of the Slovak Republic and the state

budget of the Slovak Republic, verify their execution, and approve the final state budget report of the Slovak Republic.

i) To elect and recall the chairman and vicechairmen of the Slovak National Council and other members of the Chairmanship of the Slovak National Council.

j) To discuss and pass resolutions on the program decrees of the Slovak Republic's government, to monitor its activities and the activities of its members, and to discuss and pass resolutions on confidence in the government and its members.

k) To elect and recall the chairman and vicechairmen of the Constitutional Court of the Slovak Republic.

l) To elect and recall the chairman and vicechairmen of the Supreme Court of the Slovak Republic.

Alternative:

m) To submit proposals for laws to the Federal Assembly of the Czech and Slovak Federal Republic.

n) To express themselves on proposed laws of the Federal Assembly of the Czech and Slovak Federal Republic.

o) To approve by constitutional law of the Slovak National Council a treaty which limits the extent of the jurisdiction entrusted to the Czech and Slovak Federal Republic.

p) To approve the Constitution of the Czech and Slovak Federal Republic by a constitutional law of the Slovak National Council.

#### Article 72

(1) The Slovak National Council is competent to pass resolutions if a majority of over one-half of all the deputies is present at the time of voting.

(2) The agreement of a majority of over one-half of all the deputies of the Slovak National Council is necessary for a valid resolution of the Slovak National Council.

(3) The agreement of a three-fifths majority of all the deputies of the Slovak National Council is necessary for the approval of or changes to the Constitution of the Slovak Republic or a constitutional law of the Slovak National Council.

#### Article 73

(1) Proposals for laws of the Slovak National Council can be submitted by deputies of the Slovak National Council, the committees of the Slovak National Council, and the government of the Slovak Republic.

(2) The Constitution of the Slovak Republic, constitutional laws of the Slovak National Council, and laws of the Slovak National Council are signed by its chairman and the chairman of the government of the Slovak Republic.

(3) In order for a law of the Slovak National Council is go into effect, it must be announced in a manner which will be established by a law of the Slovak National Council.

#### Article 74

(1) The Slovak National Council will discuss a proposal for an expression of nonconfidence in the government of the Slovak Republic or its members if it is requested by at least one-fifth of its deputies.

(2) The agreement of a majority of over one-half of all the deputies of the Slovak National Council is necessary for the expression of nonconfidence in the government of the Slovak Republic or its members.

#### Article 75

The principles for discussions of the Slovak National Council, its contacts with the government of the Slovak Republic, the discussions of its agencies, its outside contacts, and more detailed arrangements for the position of the deputies will be established by a law of the Slovak National Council on the rules of procedure in the Slovak National Council.

#### Article 76

(1) The office of deputy of the Slovak National Council is not compatible with the offices of President of the Czech and Slovak Federal Republic, a judgeship, a public prosecutor, or a member of the government of the Slovak Republic.

(2) The law will establish which other offices and the exercise of which professions are not compatible with the office of deputy.

(3) If a deputy becomes a member of the government of the Slovak Republic, his mandate ceases and the office of deputy will be filled by a replacement. After terminating his membership in the government, the performance of the replacement's duties as a deputy stops and the deputy will again perform his duties.

(4) The validity of the election of deputies of the Slovak National Council will be verified by the Slovak National Council on the basis of a proposal of its own Mandate and Immunity Committee.

#### Article 77

(1) A deputy of the Slovak National Council takes the following pledge at the first meeting of the Slovak National Council in which he takes part: "I promise on my honor and conscience that I will be faithful to the Slovak Republic and to the principle of democracy and humanity. I will take care of the interests and will of the people, support the constitution and other laws, and work so as to bring them to life."

(2) Refusal of this pledge or a pledge with reservations will result in the loss of the deputy's mandate.

**Article 78**

(1) Deputies of the Slovak National Council have the right to put inquiries to the government of the Slovak Republic and its members and to ask them questions within their area of jurisdiction. The government of the Slovak Republic and its members are obligated to answer the inquiries and questions.

(2) If it is requested by the Slovak National Council, its chairmanship, or a committee, a member of the government of the Slovak Republic is obliged to come to a meeting of the Slovak National Council, its chairmanship, or the committee.

(3) The prime minister and other members of the government of the Slovak Republic have the right to participate in meetings of the Slovak National Council or its committees. They shall be given the floor whenever they request it.

**Article 79**

(1) A deputy of the Slovak National Council cannot be criminally prosecuted or taken into custody without the consent of the Slovak National Council. If the Slovak National Council does not give its consent to criminal prosecution of the deputy or taking him into custody or, if it does not make a decision within 48 hours from the day that the request was received, this means that consent was not given.

(2) If a deputy of the Slovak National Council is caught and arrested right in the commission of a criminal act, the appropriate agency will immediately inform the Chairmanship of the Slovak National Council. If the Chairmanship of the Slovak National Council does not give its consent to his detention within 48 hours from the day the request was received, the deputy must immediately be set free.

(3) A deputy of the Slovak National Council cannot ever be prosecuted for voting in the Slovak National Council or in its agencies, even after his mandate as a deputy has expired.

(4) A deputy of the Slovak National Council is subject to the disciplinary authority of the Slovak National Council for statements made in the Slovak National Council or in its agencies.

**Article 80**

(1) A deputy of the Slovak National Council can resign his mandate. The mandate expires on the day that the Chairmanship of the Slovak National Council recognizes the resignation of the mandate by the deputy.

(2) A deputy of the Slovak National Council who ceases to be eligible loses his mandate.

(3) Deputies of the Slovak National Council can be deprived of their mandates as deputies for a deliberate violation of the constitution or if they are convicted of a deliberate criminal act.

(4) A proposal for depriving a deputy of the Slovak National Council of his mandate can be submitted by:

a) One-third of the deputies of the Slovak National Council.

b) The Chairmanship of the Slovak National Council.

(5) The Constitutional Court of the Slovak Republic decides on any proposal to deprive a deputy of his mandate.

**Article 81**

(1) A deputy can resign his office in the Slovak National Council or its agencies.

(2) A proposal for recalling a deputy from his office in the Slovak National Council or its agencies can be submitted by:

a) One-third of the deputies of the Slovak National Council; or

b) The Chairmanship of the Slovak National Council.

(3) The Slovak National Council decides on whether to recall a deputy from his office in the Slovak National Council or its agencies.

**Article 82**

(1) The Slovak National Council elects the Chairmanship of the Slovak National Council, which is the collective head of the Slovak Republic, from among its deputies.

(2) The Chairmanship of the Slovak National Council consists of the chairman, vicechairmen, the chairmen of committees, and other members. The number of members in the Chairmanship is determined by the Slovak National Council.

(3) The conditions under which the chairman of the Slovak National Council is replaced by his vicechairman will be established by a law of the Slovak National Council on the rules of procedure in the Slovak National Council.

(4) The Chairmanship of the Slovak National Council exercises its authority even after the election period has expired until such time as the newly elected Slovak National Council elects its chairmanship.

(5) The Chairmanship of the Slovak National Council and its membership are responsible for their actions to the Slovak National Council, which can recall them at any time. The conditions will be established by the law of the Slovak National Council on the rules of procedure in the Slovak National Council.

**Article 83**

The Chairmanship of the Slovak National Council is elected by a majority of over one-half of all its members.

**Article 84**

(1) The Chairmanship of the Slovak National Council has the authority, in particular:

a) To appoint and to recall the chairman of the government of the Slovak Republic, its vicechairman, and the other members and to confirm their establishing of ministries and other central agencies of the state administration of the Slovak Republic.

b) To appoint and to recall the general prosecutor of the Slovak Republic.

c) To appoint and to recall the state officials of the Slovak Republic in those cases established by a law of the Slovak National Council.

d) To monitor the execution of tasks related to the economic and social policies of the Slovak Republic and to request written statements and information from the government of the Slovak Republic, its members, the general prosecutor of the Slovak Republic, and other top leaders of the central state administration agencies of the Slovak Republic and to submit proposals for action to the Slovak National Council.

e) To appoint, recall, and dismiss professional judges of the courts of the Slovak Republic to and from their offices as judges.

f) To award prizes and to bestow decorations according to the law of the Slovak National Council.

g) To pass resolutions on calling sessions and meetings of the Slovak National Council and to declare them ended.

(2) The Chairmanship of the Slovak National Council announces elections for the Slovak National Council and elections to the district self-government agencies in the Slovak Republic.

**Article 85**

(1) At times when the Slovak National Council is not in session because the Chairmanship has declared its session ended or because its election period has expired or when the Slovak National Council cannot meet for extraordinary reasons, its authority is exercised by the Chairmanship of the Slovak National Council.

(2) Urgent measures whose approval requires a law of the Slovak National Council are approved under the circumstances contained in Paragraph 1 by the Chairmanship of the Slovak National Council in the form of legal actions of the Chairmanship of the Slovak National Council. However, the Chairmanship of the Slovak National Council cannot approve, abolish, or change the constitution or constitutional laws of the Slovak National Council or vote on resolutions on the state budget of the Slovak Republic.

(3) Legal actions are signed by the chairman of the Slovak National Council and the prime minister of the

government of the Slovak Republic. They are announced in the same manner as laws of the Slovak National Council.

(4) Legal actions of the Chairmanship of the Slovak National Council must be approved at the next earliest meeting of the Slovak National Council or otherwise become invalid.

**Article 86**

The Slovak National Council establishes committees as its agencies for initiatives and control and elects their chairmen and other members from among the deputies of the Slovak National Council.

**Article 87**

The chairman of the Slovak National Council in particular:

a) Represents the Slovak National Council outside that body.

b) Signs the Constitution of the Slovak Republic, constitutional laws of the Slovak National Council, laws, legal actions of the Chairmanship of the Slovak National Council, and resolutions of the Slovak National Council.

c) Accepts the pledge of deputies of the Slovak National Council.

d) Accepts the pledge of the prime minister and the other members of the government, the general prosecutor, the judges of the Constitutional Court, and the professional judges of the other courts of the Slovak Republic.

e) Calls and chairs meetings of the Slovak National Council and its chairmanship.

f) Submits proposals to the prime minister of the government of the Slovak Republic after consultation with the caucuses of deputies operating in the Slovak National Council.

**Section 2****Popular Votes****(REFERENDUM)****Article 88**

(1) Entering into an alliance with another state or withdrawing from that alliance is decided by referendum.

(2) A referendum can also be used to decide on:

a) The approval of a proposal for a law of the Slovak National Council.

b) Other important questions of public interest.

(3) Every citizen of the Slovak Republic who has the right to vote for the Slovak National Council can participate in referenda.



(4) The results of a referendum are valid if a majority of more than one-half of the qualified voters participated in it and the majority of the citizens who participated in the referendum expressed themselves for the decision.

Alternative 1 to Article 88:

(1) The Slovak Republic's secession from the Czech and Slovak Federal Republic will be decided by referendum.

(2) A proposal for a constitutional law or a law of the Slovak National Council can be decided by a referendum on the entire territory of the Slovak Republic. Paragraphs 3 and 4 as in Article 88 above.

Alternative 2 to Article 88:

Add Paragraph 5.

(5) A referendum can also be held on other important questions of public interest on part of the territory of the Slovak Republic.

#### Article 89

The Bill of Basic Rights and Freedoms cannot be the subject of a referendum. Taxes, payments, and the state budget of the Slovak Republic and defense matters cannot be the subject of a referendum.

Alternative:

Article 89 is left out.

#### Article 90

(1) The Chairmanship of the Slovak National Council announces a popular vote.

(2) The Chairmanship of the Slovak National Council always announces a popular vote when the Slovak National Council has decided on it or when it is requested in the form of a petition by at least 300,000 citizens of the Slovak Republic.

(3) The Chairmanship of the Slovak National Council can announce a popular vote upon a proposal by the government of the Slovak Republic.

Alternative:

The words "Chairmanship of the Slovak National Council" are replaced by the words "president of the Slovak Republic."

#### Article 91

A constitutional law or a law of the Slovak National Council passed on the basis of a referendum can be changed or abolished only by a referendum and then only after 5 years have passed since the day that it went into effect.

#### Article 92

Details on the method of carrying out a popular vote will be established by a law of the Slovak National Council.

Alternative CHAPTER IV (with the president as the head of state):

### CHAPTER IV

#### Section 1

#### The Slovak National Council

#### Article 66

The Slovak National Council is the sole legislative body of the Slovak Republic.

#### Article 67

(1) The Slovak National Council has 150 deputies who are elected for a period of five years.

(2) The deputies represent the people. They exercise their mandate according to their own conscience and convictions and are not bound by any orders.

#### Article 68

(1) Deputies are elected in direct elections.

(2) Any citizen of the Slovak Republic who has the right to vote and resides permanently on the territory of the Slovak Republic can be elected as a deputy.

(3) Elections for the Slovak National Council take place in a system of proportional representation. Any political party or political movement which does not receive the share of valid votes in their voting district established by law does not receive a mandate.

(4) Details will be established by law.

#### Article 69

(1) A deputy takes the following pledge at the first meeting of the Slovak National Council in which he participates: "I promise loyalty to the Slovak Republic on my honor and conscience. I will perform my duties according to the will of the people and in the interest of the people. I will support the constitution and the other laws of the Slovak Republic and work so as to bring them to life."

(2) Refusing to take the pledge or taking it with reservations will result in the loss of mandate.

#### Article 70

The Slovak National Council verifies the validity of the election of deputies on the basis of a proposal by its Mandate and Immunity Committee.

#### Article 71

(1) The office of deputy is incompatible with the office of president, judge, or public prosecutor. The law will establish which other offices and professions are not compatible with the office of deputy.

(2) If a deputy becomes a member of the government, his mandate expires and the duties of deputy will be performed by a replacement. After terminating his membership in the government, the replacement ceases to perform the duties of deputy and the deputy again performs his own duties.

#### Article 72

(1) A deputy cannot be prosecuted in any way for voting in the Slovak National Council or in its agencies, even after his mandate has expired. The deputy comes under the disciplinary authority of only the Slovak National Council for any statements made in the Slovak National Council or in its agencies in the performance of his function as deputy.

(2) A deputy cannot be criminally prosecuted or disciplined, nor can he be taken into custody without the consent of the Slovak National Council. If the Slovak National Council refuses consent, prosecution is permanently denied.

(3) If a deputy is caught and arrested right in the course of a criminal act, the appropriate agency is obliged to inform the chairman of the Slovak National Council immediately. If the Mandate and Immunity Committee of the Slovak National Council does not consent to the detention, the deputy must be immediately released.

#### Article 73

A deputy can refuse to testify in matters about which he has learned in the performance of his function, even after he has ceased to be a deputy.

#### Article 74

(1) A deputy can put questions to the chairman and vicechairman of the Slovak National Council, the members of the government, and those in charge of other central agencies of the state administration in matters under their jurisdiction. They are obliged to answer the questions.

(2) A deputy can make inquiries of members of the government or those in charge of other central agencies of the state administration in matters under their jurisdiction. The inquiries must be in writing and the deputy must receive an answer within 30 days.

(3) A discussion of the answer to the inquiry will take place in the Slovak National Council and it can be connected with a vote of confidence.

#### Article 75

(1) A deputy can resign the office of deputy.

(2) A deputy can be recalled from the office of deputy for deliberate violation of the constitution or if he is convicted of a deliberate criminal act.

(3) A proposal for recalling a deputy can be submitted by:

a) One-third of the deputies; or

b) The Mandate and Immunity Committee of the Slovak National Council.

(4) The Constitutional Court of the Slovak Republic decides on a proposal for recalling a deputy.

#### Article 76

The Slovak National Council will convene no later than 30 days after the elections.

#### Article 77

(1) The Slovak National Council holds two sessions a year (the spring and autumn sessions).

(2) The president of the Slovak Republic calls the Slovak National Council into session and declares the session ended.

(3) If the president of the Slovak Republic has not called the spring session of the Slovak National Council into session by the end of April or the autumn session by the end of October, the chairman of the Slovak National Council will call it into session. In this case, the chairman of the Slovak National Council will declare the session of the Slovak National Council ended.

(4) If at least one-third of the deputies or the chairman of the Slovak National Council or the government requests it, the president is obliged to call a session of the Slovak National Council within no more than seven days.

Alternative:

Replace Paragraphs 1 and 2.

(1) The Slovak National Council determines the end and next beginning of its sessions.

(2) The chairman of the Slovak National Council can call a special session of the Slovak National Council. He is obliged to do so upon a request by one-third of the deputies, the president, or the government.

#### Article 78

(1) Meetings of the Slovak National Council are called by its chairman.

(2) The chairman of the Slovak National Council also calls meetings of the Slovak National Council when it is requested by at least one-third of the deputies of the Slovak National Council. In this case, he will call a meeting within seven days.

(3) Meetings of the Slovak National Council are public.

(4) Meetings closed to the public can take place only in cases which are established by law or if the Slovak National Council approves a resolution for it by a three-fifths majority.

**Article 79**

- (1) The Slovak National Council has a quorum for voting when a majority of over one-half of all its deputies is present.
- (2) The consent of a majority of over one-half of all the deputies is required for a valid resolution of the Slovak National Council, unless the constitution states otherwise.
- (3) The consent of a majority of at least three-fifths of all the deputies is required for approving and changing the Constitution and constitutional laws of the Slovak National Council, for electing the president, and for declaring war against another state.

**Article 80**

At the request of the Slovak National Council or one of its agencies, a member of the government or the head of a central agency of the state administration must participate in its meetings or the meetings of its agency.

**Article 81**

The authority of the Slovak National Council includes in particular:

- a) To vote on the constitution and constitutional and other laws and to monitor their observance.
- b) To elect and to recall the president of the republic.
- c) To decide by constitutional law on entering into an alliance with another state and on withdrawing from that alliance, to approve by constitutional law any treaty on entering into an alliance with another state and on withdrawing from that alliance.
- d) To decide by constitutional law on the extent of the authority, or to approve by constitutional law a treaty which limits the extent of authority, entrusted to an alliance of the Slovak Republic with another state.
- e) To decide on any proposal to call a referendum.
- f) To give consent to signing an international treaty, the execution of which requires a law of the Slovak National Council.
- g) To establish by law the ministries and other agencies of state administration.
- h) To discuss the program announced by the government, to monitor the government's activities and to discuss confidence in the government or a member of it.
- i) To approve the state budget, to audit its fulfillment, and to approve the final state budget report.
- j) To discuss basic questions of domestic, international, economic, social, and other policies.
- k) To establish by law the Accounting and Audit Office of the Slovak Republic.

**Article 82**

- (1) A proposal for a law can be submitted by a deputy, a committee of the Slovak National Council, the president, or the government.
- (2) A law of the Slovak National Council is signed by the chairman of the Slovak National Council, the president, and the prime minister. If the president, the chairman of the Slovak National Council, or the prime minister refuses to sign the law, the Slovak National Council is required to debate the law again. If a three-fifths majority of the deputies approves the law after the repeated debate, then the law must be signed.
- (3) A law goes into effect upon publication. The details will be established by law.

**Article 83**

- (1) The Slovak National Council will debate a proposal for an expression of nonconfidence in the government or in any of its members when it is requested by at least one-fifth of its deputies.
- (2) The consent of a majority of over one-half of all the deputies is required for an expression of nonconfidence in the government or in any of its members.

**Article 84**

The principles for debate in the Slovak National Council, debate of its agencies, and contacts outside it are governed by the law on the rules of debate in the Slovak National Council.

**Article 85**

- (1) The chairman of the Slovak National Council is elected and recalled by the Slovak National Council by a majority of over one-half of the votes of all its members. The chairman is responsible only to the Slovak National Council.
- (2) The chairman of the Slovak National Council:
  - a) Calls and manages meetings of the Slovak National Council.
  - b) Signs the constitution, constitutional laws, and laws of the Slovak National Council.
  - c) Receives the pledge of the deputies of the Slovak National Council.
  - d) Receives the pledge of the president of the Slovak Republic.
- (3) The chairman of the Slovak National Council remains in his function even after the election period has expired if the Slovak National Council has not elected a new chairman.

**Article 86**

(1) The vicechairman can represent the chairman of the Slovak National Council. The vicechairman is elected and recalled by the Slovak National Council by a majority of over one-half of the votes of all the deputies. The vicechairman of the Slovak National Council is responsible to the Slovak National Council.

(2) The provisions of Article 85, Paragraph 3, also apply to the vicechairman of the Slovak National Council.

**Article 87**

The Slovak National Council also establishes committees as its initiative and control agencies; it elects their chairmen and the other members from among the deputies of the Slovak National Council.

**Text of Parts V-XII**

92CH0260C Bratislava NARODNA OBRODA in Slovak  
28 Dec 91 pp 8-9, 14

[Text]

**CHAPTER V****THE EXECUTIVE BRANCH****Section 1****The Head of the Republic****Article 93**

The head of the republic is the chairman of the Slovak National Council.

**Article 94**

The chairman of the Slovak National Council is the representative of the Slovak Republic who represents it externally.

**Article 95**

In addition to the authority which the chairman of the Slovak National Council exercises as an agency of the Slovak National Council, he has the following further authority:

- a) He negotiates and ratifies international treaties and international agreements which the Slovak Republic makes.
- b) He announces referenda in accordance with the provisions of this constitution.
- c) He has the right to participate in meetings of the government of the Slovak Republic and to make proposals to it.
- d) He appoints the professors of the higher schools of the Slovak Republic.
- e) He awards decorations and orders of the Slovak Republic.

f) He grants clemency in cases established by law of the Slovak National Council.

**Section 2****The Government of the Slovak Republic****Article 96**

The government of the Slovak Republic is the highest executive agency of state power of the Slovak Republic.

**Article 97**

(1) The government of the Slovak Republic consists of the chairman, vice chairman, ministers, and other members.

(2) The office of a member of the government of the Slovak Republic are incompatible with the office of a deputy of the Slovak National Council or the office of a judge in the courts of the Slovak Republic, a public prosecutor, or a member of the Supreme Auditing Office of the Slovak Republic.

(3) The office of a member of the government of the Slovak Republic is likewise incompatible with the offices in the territorial self-government agencies and with participation in the leadership or administration of profit-making enterprises and cooperatives.

**Article 98**

(1) The Chairmanship of the Slovak National Council appoints the prime minister of the government.

(2) The Chairmanship of the Slovak National Council appoints and recalls the deputy prime minister of the government of the Slovak Republic, the ministers, and other members of the government based on a proposal by the prime minister of the government and confirms their organization of the ministries.

(3) Any citizen of the Slovak Republic who is qualified for election to the Slovak National Council can be the prime minister or deputy prime minister of the government, as well as a member of the government of the Slovak Republic.

(4) Members of the government of the Slovak Republic place the following pledge into the hands of the chairman of the Slovak National Council: "We promise on our honor and conscience that we will be faithful to the Slovak Republic and to the principles of democracy and humanity. We will take care of the will and the interests of the people, be guided by the constitution, constitutional laws, and laws and work so as to bring them to life."

**Alternative:**

The words "Chairmanship of the Slovak National Council" are replaced by the words "president of the Slovak Republic."

**Article 99**

The government of the Slovak Republic is obliged to present themselves before the Slovak National Council, submit their program, and request an expression of confidence from the council within 30 days after the government has been appointed.

**Article 100**

(1) The government of the Slovak Republic is responsible to the Slovak National Council for the performance of its duties and the council can at any time express nonconfidence in it.

(2) The government of the Slovak Republic can at any time request an expression of confidence in it from the Slovak National Council.

(3) The government can link a vote on the approval of a law or a vote on another matter with a vote of confidence in the government.

(4) The government of the Slovak Republic at least once a year or at any time upon request by the Slovak National Council will submit a report to it on the fulfillment of the government's program or, as appropriate, a report on how it is carrying out its tasks in the individual areas of state policy.

**Article 101**

(1) The government of the Slovak Republic can submit its resignation to the Chairmanship of the Slovak National Council.

(2) If the Slovak National Council expresses nonconfidence in the government of the Slovak Republic, or if it does not express confidence, the Chairmanship of the Slovak National Council recalls the government.

(3) The government of the Slovak Republic always submits its resignation after the establishing meeting of a newly elected Slovak National Council.

(4) If the Chairmanship of the Slovak National Council accepts the resignation of the government of the Slovak Republic, it entrusts the old government with the performance of its duties until a new one is appointed.

Alternative:

The words "Chairmanship of the Slovak National Council" are replaced by the words "president of the Slovak Republic."

**Article 102**

(1) A member of the government of the Slovak Republic is responsible to the Slovak National Council for the performance of his duties.

(2) A member of the government of the Slovak Republic can submit his resignation to the Chairmanship of the Slovak National Council.

(3) The Slovak National Council can also express nonconfidence in individual members of the government of the Slovak Republic; in this case, the Chairmanship of the Slovak National Council recalls the member of the government.

(4) The prime minister of the government of the Slovak Republic can also submit a proposal for the recall of a member of the government of the Slovak Republic to the Chairmanship of the Slovak National Council.

Alternative:

The words "Chairmanship of the Slovak National Council" are replaced by the words "president of the Slovak Republic."

**Article 103**

(1) If the Chairmanship of the Slovak National Council accepts the resignation of a member of the government of the Slovak Republic or recalls a member, it will designate which of the members of the government will be temporarily in charge of those matters administered up until then by the member of the government whose resignation it accepted.

Alternative:

The words "Chairmanship of the Slovak National Council" are replaced by the words "president of the Slovak Republic."

(2) If a member of the government of the Slovak Republic cannot perform his duties because of illness or some other serious reason, the prime minister of the government assigns another member of the government to replace him.

**Article 104**

(1) The government of the Slovak Republic ensures fulfillment of the state's tasks in the field of domestic and foreign policy; economic, social, and cultural development; and also creating the conditions for meeting the needs of the population. In keeping with this, it ensures that laws are carried out; manages, coordinates, and controls the activities of the ministries and other central agencies of the state administration of the Slovak Republic; and ensures and monitors fulfillment of its own directives and resolutions.

(2) The government of the Slovak Republic submits proposals for laws to the Slovak National Council.

**Article 105**

(1) The government of the Slovak Republic directs and controls the activities of the territorial agencies of state administration.

(2) The government of the Slovak Republic supports the overall development of towns and municipalities. In the



interest of fulfilling these tasks, it cooperates with the agencies of self-government of the towns and municipalities.

#### Article 106

The consent of a majority of over one-half of all its members is required for a resolution of the government of the Slovak Republic to be valid.

#### Article 107

The government of the Slovak Republic decides as a body on, in particular, the following:

- a) Proposals for laws by the Slovak National Council.
- b) Decrees of the government of the Slovak Republic.
- c) The program of the government of the Slovak Republic and its fulfillment.
- d) Basic measures for supporting the economic and social policies of the Slovak Republic.
- e) Proposals on the state budget of the Slovak Republic and the final state budget report of the Slovak Republic.
- f) International relations of the Slovak Republic.
- g) Basic questions of the domestic policy of the Slovak Republic.
- h) Submitting proposals for laws of the Slovak National Council or other important measures for public discussion.
- i) Whether an expression of confidence is to be requested.
- j) Granting amnesty in matters of offences.
- k) Other questions as established by law of the Slovak National Council.

#### Article 108

(1) The prime minister of the government of the Slovak Republic is responsible for management of the activities of the government of the Slovak Republic.

(2) The prime minister of the government of the Slovak Republic is represented in his absence by the deputy prime minister of the government or, in case the deputy prime minister of the government is absent, by the senior member of the government of the Slovak Republic.

Alternative:

(3) If the Slovak National Council expresses nonconfidence in the prime minister of the government of the Slovak Republic, the Chairmanship of the Slovak National Council (alternative: the president) recalls him. Recalling the prime minister of the government of the Slovak Republic results in the recall of the government.

#### Article 109

(1) The government of the Slovak Republic can issue directives in the execution of laws of the Slovak National Council within the limitations of the laws.

Alternative:

Add Paragraph 2.

(2) Directives are also issued for the execution of laws of the Federal Assembly of the Czech and Slovak Federal Republic when fully authorized by it to do so.

#### Article 110

The government of the Slovak Republic has the right to grant amnesty in matters of offences whose debate falls under the authority of agencies of the Slovak Republic. Decisions on amnesty are announced in the ZBIERKA of laws.

#### Article 111

(1) The ministries and central agencies of state administration of the Slovak Republic which are headed up by a member of the government and the other central agencies of state administration of the Slovak Republic are set up by a law of the Slovak National Council. Their authority will be established by law.

(2) The ministries and other central agencies of the state administration of the Slovak Republic issue generally binding legal regulations on the basis of laws and within their limitations.

#### Article 112

Directives of the government of the Slovak Republic and the generally binding legal regulations of a ministry or of a central agency of state administration which are headed up by a member of the government or of another central agency of state administration of the Slovak Republic become valid when they are announced in the manner established by the law of the Slovak National Council.

### Section 3

#### Local State Administration

#### Article 113

(1) On the territory of the Slovak Republic, the local state administration is performed by local agencies of state administration in the areas established by law of the Slovak National Council in accordance with the territorial administrative districting only on the basis of a law of the Slovak National Council.

(2) The exercise of local state administration must be in keeping with the constitution, constitutional law, laws, generally binding legal regulations, and administrative actions of the agencies of state administration at a higher level.

(3) A law of the Slovak National Council will establish in particular the position and authority of the central agencies and the agencies of local state administration and their mutual relationships.

Alternative:

Add Paragraph 4.

(4) The agencies of local state administration can issue generally binding regulations within the limitations of the law.

Alternative CHAPTER V (the president as the head of state):

## CHAPTER V

### THE EXECUTIVE BRANCH

#### Section 1

##### Article 93

(1) The head of the Slovak Republic is the president. He is elected by the Slovak National Council in secret balloting.

(2) The president of the Slovak Republic is responsible to the Slovak National Council for the performance of his duties.

Alternative Article 93:

(1) The president of the Slovak Republic is the head of state.

(2) The president is elected by the Slovak National Council for a term of seven years in secret balloting.

(3) A three-fifths majority of all the deputies is necessary for electing the president.

##### Article 94

(1) The president of the Slovak Republic:

a) Represents the Slovak Republic externally and negotiates and ratifies international treaties. The negotiation of those international treaties for which the consent of the Slovak National Council is not necessary can be transferred to the government of the Slovak Republic.

b) Receives and confirms diplomatic representatives.

c) Calls sessions of the Slovak National Council and declares them ended.

d) Can dissolve the Slovak National Council in a case where there has not been a releasing vote of confidence in the government after a vote on the program declaration has been repeated three times, or when a proposal for a constitutional law has not been approved after a vote on it has been repeated three times. In doing this, a hearing on the position of the Chairmanship of the

Slovak National Council is mandatory. The Chairmanship of the Slovak National Council will announce new elections within 60 days.

e) Signs the laws of the Slovak National Council.

f) Appoints and recalls the prime minister and other members of the government of the Slovak Republic and confirms their leadership of ministries and other central agencies of the Slovak Republic and accepts their resignations.

g) (Alternative: at the proposal of the Chairmanship of the Slovak National Council) Appoints the chairman of the Supreme Court of the Slovak Republic and the judges of the Constitutional Court.

h) Appoints the higher state officials of the Slovak Republic in those cases where it is established by law and the professors and rectors of the higher schools, and appoints and promotes general officers.

i) Awards decorations, if some other agency does not have the authority for it.

j) Has the right to declare amnesty and reductions in sentences given for criminal acts.

k) Is commander in chief of the armed forces.

l) At the proposal of the government of the Slovak Republic, announces a state of war and on the basis of a decision of the Slovak National Council declares war.

m) Announces an exceptional status based on a constitutional law of the Slovak National Council.

n) Also exercises other authority based on special laws of the Slovak National Council.

o) Announces a popular vote (referendum).

p) Returns constitutional laws and laws to the Slovak National Council with his comments under the conditions established by law.

q) Provides the Slovak National Council with a report on the state of the Slovak Republic and on important political questions and submits proposals for laws and other measures to it. He has the right to be present at meetings of the Slovak National Council.

Note: Points b), j), k), l), and m) will be incorporated into Chapter X, "The Joint State."

(2) The Slovak National Council establishes by law an office to take care of matters connected with the performance of the duties of president of the Slovak Republic.

Alternative:

In the case of a permanent session of the SNR [Slovak National Council], letter c) of Paragraph 1 is deleted.

**Article 95**

(1) Any citizen who can vote for the Slovak National Council and who has reached 40 years of age can be elected as president of the Slovak Republic.

(2) Any given person can be elected as president for no more than two consecutive terms.

(3) Election of the president is carried out in the last 60 days of the term of office of the incumbent president. If the office of president is vacated before completion of the term for which he was elected, an election of a new president will take place within 30 days.

(4) If a deputy of the Slovak National Council, a member of the government, a judge, or a member of the accounting and auditing office is elected as president, he ceases to perform his previous duties from the day of his election.

**Article 96**

(1) The president of the Slovak Republic places the following pledge in the hands of the chairman of the Slovak National Council: "I promise on my honor to be faithful to the Slovak Republic. I will care for the happiness of the Slovak people and the nationalities and ethnic minorities living in the Slovak Republic. I will perform my duties according to the will of the people and in the interest of the people and protect and defend the constitution and other laws. So help me God."

(2) The oath can also be taken without the last sentence.

**Alternative Article 96:**

(1) The president places the following pledge in the hands of the chairman of the Slovak National Council before the Slovak National Council: "I promise on my honor and conscience to be faithful to the Slovak Republic. I will care for and see to the happiness of the Slovak people and the other citizens living in the Slovak Republic. I will perform my duties in keeping with the will of the people and in the interest of the people and will be guided by the principles of democracy and humanity and maintain the constitution and laws of the Slovak Republic."

(2) Refusing to take the pledge or pledging with reservations results in the election of the president being invalid.

**Article 97**

(1) If the office of the presidency of the Slovak Republic has been vacated and a new president has not yet been elected and sworn in or, likewise, if the president cannot perform the duties of his office for serious reasons, the performance of the duties of president falls to the chairman of the Slovak National Council. In this case, the chairman of the Slovak National Council also becomes commander in chief of the armed forces.

(2) If the president of the Slovak Republic cannot perform the duties of his office for longer than one year, the Slovak National Council recalls him from that office and elects a new president of the Slovak Republic for a normal term.

**Article 98**

The Slovak National Council can recall the president of the Slovak Republic from his office if the president takes actions directed against the sovereignty and territorial integrity of the Slovak Republic or actions directed at getting rid of the democratic constitutional system of the Slovak Republic.

**Article 99**

The president can be prosecuted only for treason. The Slovak National Council presents the complaint against the president and the Constitutional Court tries him.

**CHAPTER VI****THE JUDICIARY BRANCH****Section 1****The Constitutional Court of the Slovak Republic****Article 114**

The Constitutional Court of the Slovak Republic (hereafter just the "Constitutional Court") is an independent judicial agency for the protection of constitutionality in the Slovak Republic.

**Article 115**

The Constitutional Court decides on:

a) The compatibility of laws of the Slovak National Council and of the legal measures with the force of law of its Chairmanship with the Constitution of the Slovak Republic and with the constitutional laws of the Slovak National Council.

b) The compatibility of directives of the government of the Slovak Republic, of generally binding legal regulations of the ministries and the other central agencies of state administration of the Slovak Republic with the Constitution of the Slovak Republic, with constitutional laws, and with the laws of the Slovak National Council.

c) The compatibility of generally binding legal regulations of the agencies of local self-administration with the Constitution of the Slovak Republic and the constitutional laws.

d) The compatibility of generally binding regulations of the local organs of state administration with the Constitution of the Slovak Republic, with the constitutional laws of the Slovak National Council, and with other generally binding legal regulations.

**Article 116**

The Constitutional Court decides conflicts of jurisdiction between the ministries and the other central agencies of state administration of the Slovak Republic if the law does not establish that these conflicts are decided by another state agency.

**Article 117**

The Constitutional Court can take a position on the interpretation of the Constitution of the Slovak Republic and the constitutional laws of the Slovak National Council if there is a matter of dispute. It does not, however, take a position on questions of the compatibility of proposals for laws and other generally binding legal regulations with the constitutional laws of the Slovak National Council.

**Article 118**

The Constitutional Court decides on complaints against decisions or measures of the ministries, other central agencies of state administration, and the local agencies of state administration of the Slovak Republic and the agencies of local self-government by which the rights and freedoms of the citizens were violated, if another court in the republic does not decide on the protection of those rights and freedoms.

**Alternative Article 118:**

(1) The Constitutional Court gives an interpretation of the constitutional laws of the Slovak National Council if there is a matter of dispute. The conditions will be established by a law of the Slovak National Council.

(2) The Constitutional Court does not take a position on questions of the compatibility of proposals for laws of the Slovak National Council, or a proposal for another generally binding legal regulation of the Slovak Republic, a proposal for a generally binding decree of a district, or a proposal for a generally binding legal regulation of a local agency of state administration with the constitutional laws of the Slovak National Council.

**Article 119**

(1) The Constitutional Court decides on complaints against the verification or nonverification of the mandate of a deputy of the Slovak National Council and against the verdict by which a deputy of the Slovak National Council is stripped of his mandate.

(2) The Constitutional Court decides on the constitutionality and legality of elections to the Slovak National Council and to the agencies of local self-administration.

(3) The Constitutional Court decides on complaints against the results of a referendum.

(4) The Constitutional Court decides on the constitutionality of political parties and political movements whose activities are in conflict with the Constitution of the Slovak Republic.

**Article 120**

(1) The Constitutional Court begins action if it is proposed by:

- a) The Slovak National Council or its chairmanship,
- b) The government of the Slovak Republic,
- c) Any court of the Slovak Republic,
- d) The general prosecutor of the Slovak Republic,

e) Anyone whose rights were violated in cases established in Article 118.

(2) A law of the Slovak National Council will establish who has the right to submit a proposal for beginning action in accordance with Article 123.

(3) The Constitutional Court can also begin action on the initiative of a legal or physical person if they feel that their rights have been affected.

**Alternative:**

In Paragraph 1, add: ...president of the Slovak Republic...

**Article 121**

(1) The Constitutional Court decides in plenary session on matters contained in Article 115, Article 119, Paragraph 4, and Article 130, Paragraph 2.

**Article 122**

(1) If the Constitutional Court states in its verdict that there is incompatibility between the legal regulations contained in Article 115, the affected regulations, parts of them, or, in some cases, some of their provisions lose their validity. The agencies which issued these regulations are obliged within six months of the announcement of the verdict of the constitutional court to bring them into compatibility with the constitution of the Slovak Republic, the constitutional laws of the Slovak National Council, and, if it concerns regulations contained in Article 115, letter b), also with the other laws of the Slovak National Council or, if it concerns regulations contained in Article 115, letter c), also with the laws of the Federal Assembly, with other laws of the Slovak National Council, with international treaties, with government directives, and with the generally binding legal regulations of the ministers and other central agencies of state administration of the Slovak Republic. If this is not done, the regulations, parts of them, or their provisions also lose their validity after 6 months from the announcement of the verdict.

(2) Verdicts of the Constitutional Court issued in accordance with Paragraph 1 are announced in the ZBIERKA designated for announcing the laws of the Slovak National Council.

**Article 123**

There is no allowable means of appeal against the decision of the Constitutional Court.

**Article 124**

- (1) The Constitutional Court is composed of 10 judges.
- (2) The judges of the Constitutional Court are appointed by the Chairmanship of the Slovak National Council for a period of seven years (alternative: for life).
- (3) A citizen of the Slovak Republic who is eligible for the Slovak National Council, has reached the age of 40 years, has a legal education from a higher school, and has been practicing law for at least 10 years can be appointed as a judge of the Constitutional Court.

Alternative:

In Paragraph 2, replace the words "Chairmanship of the Slovak National Council" with the words "president of the Slovak Republic."

Add Paragraph 4.

- (4) A judge of the Constitutional Court can be appointed (or elected) to no more than two terms.

**Article 125**

The head of the Constitutional Court is its chairman, who is represented when necessary by the vicechairman. The chairman and the vicechairman are elected by the Slovak National Council from among the judges of the Constitutional Court.

**Article 126**

- (1) Members of the Constitutional Court have the same immunity as the deputies of the Slovak National Council.
- (2) The Constitutional Court gives its consent to criminal prosecution of a judge of the Constitutional Court or to his being taken into custody.

**Article 127**

- (1) If a member of a political party or a political movement is chosen as a judge of the Constitutional Court, he is obliged to give up his membership in them before taking the oath of office.
- (2) The judges of the Constitutional Court perform the duties of their office as a profession. The performance of these duties is incompatible with:

a) Another profit-making or economic activity other than the management of their own property and scientific, pedagogic, literary, and artistic activities.

b) Duties or a working relationship in another state agency.

c) Another office whose duties would be performed at the expense of the independent performance of the duties of a judge.

**Article 128**

- (1) A judge of the Constitutional Court can resign his duties as a judge of the Constitutional Court.
- (2) The Chairmanship of the Slovak National Council can recall a judge of the Constitutional Court on the basis of a verdict convicting him of a deliberate criminal act and on the basis of a disciplinary decision of the Constitutional Court for an action which is incompatible with the performance of his duties on the Constitutional Court.
- (3) The Chairmanship of the Slovak National Council recalls a judge of the Constitutional Court if the Constitutional Court notifies them that the judge has not been participating in the proceedings of the Constitutional Court for longer than one year or if the judge of the Constitutional Court was disbarred from legal practice by a court decision.

Alternative:

In Paragraphs 2 and 3, replace the words "Chairmanship of the Slovak National Council" with the words "president of the Slovak Republic."

**Article 129**

If a judge on the Constitutional Court resigns his office as a judge on the Constitutional Court or is recalled, the Chairmanship of the Slovak National Council appoints another judge for a new term of office.

Alternative:

Replace the words "Chairmanship of the Slovak National Council" with the words "president of the Slovak Republic."

**Article 130**

The details on the organization of the Constitutional Court, on the method of proceedings before it, and on the position of its judges will be laid out by a law of the Slovak National Council.

**Section 2****The Judiciary****Article 131**

- (1) Judicial affairs in the Slovak Republic are performed by independent and impartial courts.
- (2) Judicial affairs are performed at all levels separately from the other state agencies.



**Article 132**

The courts decide on civil, commercial, and criminal matters and examine decisions of the administrative agencies.

**Article 133**

(1) In their actions, the courts proceed so as to find out the actual state of matters from which they start in making their decision.

(2) The courts decide as a senatorial body unless the law establishes that a single judge will decide the matter. The law will establish when the assessors from among the ranks of the citizens will also participate in the decision of the senatorial body.

(3) In proceedings before the courts and the agencies of criminal proceedings, the official language will be used. Everyone has the right to use his own mother tongue.

(4) Verdicts are announced in the name of the Slovak Republic and are always public.

**Article 134**

(1) The basic link in the judicial affairs system is the okres court.

(2) The authority and organization of courts and the proceedings before them will be established by law.

**Article 135**

(1) The highest judicial agency in the Slovak Republic is the Supreme Court of the Slovak Republic, which oversees the legality of decisions by the lower courts and ensures their correctness and consistency by:

a) Deciding on corrective means in those cases established by law.

b) Deciding on special corrective means against valid decisions of the lower courts and against valid decisions of other agencies issued in criminal matters in those cases established by law.

c) Taking a position in the interests of a consistent interpretation of the laws.

(2) The Supreme Court of the Slovak Republic examines decisions issued by the ministries and other central agencies of state administration of the Slovak Republic.

Alternative:

Leave letter c) out of Paragraph 1.

**Article 136**

The courts are independent in making their decisions and are bound only by the law and as established by the constitution or a law, or by an international treaty, which are generally binding on the territory of the Slovak Republic. The courts are bound by other generally binding legal regulations only so much as they are not in

conflict with the constitution, with the law, or with an international treaty which is generally binding on the territory of the Slovak Republic in accordance with the Constitution of the Slovak Republic or a law of the Slovak National Council.

**Article 137**

(1) Professional judges are appointed for an unlimited time by the Chairmanship of the Slovak National Council as proposed by the government.

(2) The chairman and vicechairman of the Supreme Court of the Slovak Republic are appointed as judges of the Supreme Court of the Slovak Republic by the Chairmanship of the Slovak National Council for no more than two consecutive terms.

(3) Details on appointing judges and their appointments to offices will be established by a law of the Slovak National Council.

Alternative:

In Paragraphs 1 and 2, replace the words "Chairmanship of the Slovak National Council" with the words "president of the Slovak Republic."

**Article 138**

Judges have the same immunity as the deputies of the Slovak National council. The Constitutional Court gives consent to criminal prosecution of the judges or taking a judge into custody.

**Article 139**

(1) A judge can resign his office.

(2) The Chairmanship of the Slovak National Council can recall a professional judge on the basis of a conviction for a deliberate criminal act or on the basis of a decision of a disciplinary senatorial body for an act which is incompatible with the performance of his duties.

(3) The Chairmanship of the Slovak National Council can also recall a professional judge:

a) If the state of his health does not allow him to perform his judicial duties properly for a long period of time.

b) If he reaches 65 years of age.

(4) Before making a decision on a recall from office, the Chairmanship of the Slovak National Council requests the position of the appropriate disciplinary senatorial body.

Alternative:

In Paragraphs 1 and 2, replace the words "Chairmanship of the Slovak National Council" with the words "president of the Slovak Republic."

**Article 140**

Activities delimited by law are not compatible with the performance of the duties of a judge.

**Section 3****The Office of Public Prosecution****Article 141**

- (1) The public prosecutor protects the rights and those interests protected by law of the state and of physical and legal persons.
- (2) In criminal proceedings, the public prosecutor acts as the public plaintiff before the court and oversees the legality of the process in investigating criminal acts. He always has the position of a party before the court.
- (3) In the proceedings of a civil court, the public prosecutor can submit a proposal at the beginning of the proceedings and enter the proceedings before the court only in those cases established by law.
- (4) The public prosecutor performs oversight on staying within the laws and other legal regulations of the agencies of state administration and local self-government and can request a correction by those means which the law entrusts to him. These means cannot, however, be used against valid decisions of the agencies of state administration and local self-government which fall under the purview of the courts in accordance with the regulations on the administration of judicial affairs.

**Alternative:**

- (2) In criminal proceedings, the state is represented by a public plaintiff who has the position of a party. The details will be established by law.

**Article 142**

- (1) The system of public prosecutor's agencies of the Slovak Republic is made up of the General Prosecutor of the Slovak Republic, kraj prosecutors, and okres prosecutors.
- (2) The General Prosecutor of the Slovak Republic is the head of the Office of the Public Prosecutor of the Slovak Republic.
- (3) The General Prosecutor of the Slovak Republic is appointed and recalled by the Chairmanship of the Slovak National Council based on a proposal by the government of the Slovak Republic. The duties of general prosecutor can be performed for no more than two consecutive five-year terms.
- (4) The General Prosecutor of the Slovak Republic appoints and recalls the other public prosecutors.

**Article 143**

The General Prosecutor of the Slovak Republic is responsible to the Slovak National Council for the performance of the duties of his office.

**Article 144**

The General Prosecutor of the Slovak Republic submits a report to the Slovak National Council on the activities of the prosecutors' agencies and information on the status of upholding the law in the Slovak Republic.

**Article 145**

A law of the Slovak National Council will establish the organization and activities of the office of public prosecutor, as well as the legal position of the prosecutors.

**CHAPTER VII****THE OFFICE OF THE AUDITOR GENERAL OF THE SLOVAK REPUBLIC****Article 146**

- (1) The Office of the Auditor General of the Slovak Republic is an independent agency of the Slovak National Council performing an independent audit of management of the budgetary resources in the Slovak Republic from the standpoint of the propriety, economy, and effectiveness of the financial resources expended from the state budget of the Slovak Republic and of material resources.
- (2) The Office of the Auditor General of the Slovak Republic monitors whether all receipts of the state budget of the Slovak Republic are accounted for and whether there have been any expenditures which were not approved in the law on the state budget of the Slovak Republic.
- (3) It works up a position on the final budget report of the Slovak Republic and presents it to the Slovak National Council.
- (4) The Slovak National Council can also assign the performance of other auditing tasks to the Office of the Auditor General of the Slovak Republic.

**Article 147**

- (1) The chairman is the head of the Office of the Auditor General of the Slovak Republic. The Chairmanship of the Slovak National Council appoints him for five years; he can be recalled at any time.
- (2) Only a citizen of the Slovak Republic can be appointed as chairman of the Office of the Auditor General and only for no longer than two consecutive terms. During the performance of his duties, the chairman must not be a member of any political group. The duties of the office of chairman of the Office of the Auditor General are incompatible with any other office in the agencies of state power, state administration, or

local self-government or in the management or consulting agencies of free enterprise entities.

**Article 148**

The Office of the Auditor General of the Slovak Republic at least once a year, after discussions in the government of the Slovak Republic, presents a report to the Slovak National Council on the management of the financial resources of the Slovak Republic.

**Article 149**

The authority, jurisdiction, and internal organization composition of the Office of the Auditor General of the Slovak Republic will be established by a law of the Slovak National Council.

**Article 150**

(1) The Office of the Auditor General of the Slovak Republic for purposes contained in Article 146 can request the necessary explanations from state agencies and physical and legal persons and has the right to look into all accounting reports.

(2) The Office of the Auditor General of the Slovak Republic is independent of the government of the Slovak Republic and other executive agencies in the performance of activities contained in Article 150, as well as from the agencies of territorial self-government.

**CHAPTER VIII**

**LOCAL SELF-GOVERNMENT**

**Article 151**

(1) The basis of local self-government is the municipality.

(2) The municipality is an independent territorial entity of the Slovak Republic uniting the citizens of the Slovak Republic who have permanent residence on its territory.

(3) The municipality has its own name and the right to use its own symbols.

**Article 152**

(1) The municipality is a legal person which, under conditions established by a law of the Slovak National Council, independently manages its own property and financial resources.

(2) The municipality finances its needs mainly from its own income. A law will establish which taxes and payments are income for the municipality.

(3) The municipality's property consists of those items owned by the municipality and the property rights of the municipality.

**Article 153**

The municipality has the right to form an association with other municipalities to take care of matters of joint

interest. The self-government authority in the territorial regions will be established by a law of the Slovak National Council.

**Article 154**

(1) The territorial municipality is composed of a land registry territory or a group of land registry territories. The municipality can divide itself into parts which have their own land registry territories.

(2) The boundaries of a municipality can be changed only with its consent. The conditions and methods of forming, dissolving, dividing, or merging municipalities will be established by a law of the Slovak National Council.

**Article 155**

(1) The municipality independently decides and implements all actions connected with the administration of the municipality and its property, unless a law of the Slovak National Council states otherwise.

(2) The citizens of the municipality decide on matters of local self-government at municipal meetings or by referendum or through the municipal agencies.

**Article 156**

(1) The municipal agencies are:

- a) The municipal council of representatives.
- b) The municipal mayor.

(2) The municipal representatives are made up of deputies of the municipal council of representatives elected in a general, direct election with secret balloting. The election of deputies of the municipal council of representatives and the mayor takes place on the basis of universal, equal, and direct suffrage with secret balloting.

(3) The municipal mayor is elected by the citizens in a direct election. The municipal mayor's office is the executive agency of the municipality. It carries out the municipal administration and represents the municipality externally.

**Article 157**

The conditions for declaring a municipality to be a town will be established by law; it will also change the titles of the town agencies.

**Article 158**

(1) It is possible to place obligations on a municipality or to affect its authority only on by a law of the Slovak National Council.

(2) Some functions of the state administration can be transferred to the municipality by a law of the Slovak National Council. In the performance of state administration, the municipality can issue generally binding

decrees for its district within the limits of the law as it was authorized by the law. The government of the Slovak Republic directs and monitors the performance of state administration transferred to the municipality by law. The details will be established by a law of the Slovak National Council.

#### Article 159

A law of the Slovak National Council will establish in particular:

a) The position, organization, and authority of the municipalities of the capital city of the Slovak Republic, Bratislava, the city of Kosice, and their parts.

b) The conditions for the execution of voting rights and the method of carrying out elections for the municipal council of representatives, the election of mayors, and their terms.

c) In which matters the municipality is entrusted with the execution of state administration and under what conditions.

### CHAPTER IX

#### STATE SYMBOLS AND THE CAPITAL CITY

##### Article 160

The state symbols of the Slovak Republic are the state emblem, the state flag, the state seal, and the state anthem.

##### Article 161

(1) The state emblem of the Slovak Republic is made up of a red early Gothic shield with a double silver cross raised on the middle hill of three blue hills.

(2) The state flag of the Slovak Republic consists of three equal horizontal stripes of white, blue, and red arranged below each other.

(3) The state seal of the Slovak Republic is made up of the state emblem of the Slovak Republic around which in a circle is written "Slovak Republic."

(4) The state anthem of the Slovak Republic are the first two verses of the song "Lightning Over the Tatras."

Alternative:

Paragraph 2 is replaced by:

(2) The state flag of the Slovak Republic consists of three equal horizontal stripes of white, blue, and red arranged below each other. In the center of the flag is placed the state emblem of the Slovak Republic so that it touches all three stripes. The proportions of the state flag of the Slovak Republic are 2 to 3.

Add Paragraphs 5 and 6.

(5) The standard of the president of the Slovak Republic is pale blue with a bordering white-blue-red tricolor. In

the center of the pale blue field is embroidered the state seal of the Slovak Republic, whose drawing is silver. Under it is the writing "WE ARE FAITHFUL TO THE TRUTH" in silver on a white-blue-red ribbon. Above each end of the ribbon there are silver three-leaved linden twigs. The standard of the president of the Slovak Republic is square. (This assumes that there will be a president.)

(6) Details on the state emblem, the state flag (or president's standard), and the state seal will be established by a law of the Slovak National Council.

#### Article 162

(1) The capital city of the Slovak Republic is Bratislava; it is the seat of the Slovak National Council, the government of the Slovak Republic, and the other central agencies of state administration of the Slovak Republic.

(2) The position of Bratislava as the capital city will be set by law.

### CHAPTER X

#### THE JOINT STATE

##### Article 163

(1) The Slovak Republic, building on everything positive in its coexistence to date in a joint state with the Czech Republic, continues on in that union.

(2) The Slovak Republic and the Czech Republic will arrange their relationships in a state treaty. In this treaty, the extent of authority entrusted to the joint state, the system of the highest agencies of the joint state, and the basic principles of its existence will be established. This treaty is binding for the creation of a constitution of the joint state and takes effect only after its approval by the Slovak National Council. The Slovak National Council gives its consent to the state treaty through a constitutional law.

(3) The Slovak Republic can freely secede from the joint state on the basis of a referendum. The joint state ceases to exist upon the secession of the Slovak Republic.

##### Article 164

(1) A special law will establish the incompatibility of performing the duties of an office in the legislative, executive, or judicial agencies of the Slovak Republic with those in the legislative and judicial agencies of the joint state.

(2) On the basis of laws of the joint state, the government of the Slovak Republic, its ministries, and the other central agencies of state administration of the Slovak Republic can issue generally binding legal regulations, if the duties belong to the Slovak Republic and they are fully authorized to do so by law.

**Article 165**

A state treaty between the Czech Republic and the Slovak Republic will determine the extent of authority which the Slovak Republic will cede to the joint state.

**Article 166**

The Slovak Republic will cede to the president of the joint state the actions contained in Article 92, Paragraph 1, letters b), j), k), l), and m) of the so-called presidential alternative. Note: This applies only in the case of the "presidential" alternative.

**Article 167**

The Slovak Republic is bound by the international treaties signed and announced by the Czech and Slovak Federal Republic.

**Article 168**

Laws of the National Assembly and the Federal Assembly, directives of the government of the Czech and Slovak Federal Republic, and other generally binding legal regulations of the ministries and the other central agencies of the state administration which deal with matters which do not fall within the authority of the federation according to the state treaty can be changed by a law of the Slovak National Council, directives of the government of the Slovak Republic, or, where appropriate, by generally binding legal regulations of the ministries and the other central agencies of the state administration of the Slovak Republic.

**Article 169**

Citizens of the Czech Republic who have permanent residence on the territory of the Slovak Republic have the same rights and duties in the Slovak Republic as citizens of the Slovak Republic, if the constitution does not state otherwise. However, they do not have the right contained in Article...

Alternative CHAPTER X:

**CHAPTER X**

**AN ALLIANCE OF STATES**

**Article 163**

(1) According to Article 7, an agency of the alliance of states can be delegated authority in the following areas by the method contained in Article 81, letters c) and d):

- a) Joint defense.
- b) Foreign policy.
- c) A common currency.
- d) The budget of the alliance.
- e) Measurements and standards and state examinations.
- f) The alliance's material reserves.

(2) By the method contained in Article 81, letters c) and d), it is possible to delegate other authority to the activities of agencies of the alliance of states or to transfer some authority of the agencies of the alliance of states to the Slovak Republic.

(3) The agencies of the alliance of states can be the president, a joint legislative body, joint central agencies of state administration, and joint agencies of the judiciary.

(4) The extent of the authority of the joint agencies in Paragraph 3 and the composition and incompatibility of the performance of the duties in the joint agencies of the alliance with the performance of duties in the agencies of the Slovak Republic can be set out in a treaty in accordance with Article 81, letters c) and d).

**CHAPTER XI**

**TRANSITIONAL AND FINAL PROVISIONS**

**Article 170**

(1) This constitution goes into effect

Alternative I:

On the day of ratification of the constitution of the joint state in the Slovak National Council.

Alternative II:

Upon approval of the state treaty between the Czech Republic and the Slovak Republic.

Alternative III:

Upon announcement.

(2) On the day that the constitution goes into effect, the provisions of the state treaty signed between the Slovak Republic and the Czech Republic on the principles of the state legal organization of the joint state become part of it.

**Article 171**

On the day that this constitution goes into effect, the validity of the provisions of the constitutional laws of the National Assembly and the Federal Assembly on matters covered by this constitution ceases on the territory of the Slovak Republic. Note: This applies only in the case of the approval of alternatives II or III of Article 170, Paragraph 1.

**Article 172**

The interpretation and utilization of laws and other generally binding legal regulations of the Slovak Republic must be in accordance with the Constitution of the Slovak Republic and the constitutional laws of the Slovak National Council.



**Article 173**

The following cease to be valid:

(1) The constitutional law of the SNR No. 50/1990 of the ZBIERKA on the name, state emblem, state flag, state seal, and state anthem of the Slovak Republic.

(2) Provisions of Articles I through IV of the constitutional law of the SNR No. 79/1990 of the ZBIERKA on the number of deputies in the Slovak National Council; on the wording of the pledge of deputies to the Slovak National Council, members of the government of the Slovak Republic, and deputies to the national committees; and on the term of office of the Slovak National Council.

Alternative CHAPTER XI:

**CHAPTER XI****TRANSITIONAL AND FINAL PROVISIONS****Article 170**

Until there is a decision in accordance with Article 81, letters c) and d) (the "presidential" alternative), the Slovak Republic is allied with the Czech Republic in accordance with Article 7 which together form the Czech and Slovak Federal Republic.

**Article 171**

The Slovak Republic is bound by the international treaties signed and announced by the Czech and Slovak Federal Republic.

**Article 172**

The constitution goes into effect on the day...

**Article 173**

On the day that this constitution goes into effect, the validity of the provisions of the constitutional laws of the National Assembly and the Federal Assembly on matters covered by this constitution ceases on the territory of the Slovak Republic.

**Article 174**

The laws of the National Assembly and the Federal Assembly, directives of the government of the Czech and Slovak Federal Republic, and other generally binding legal regulations of the ministries and the other federal central agencies of state administration, where they concern matters which do not belong within the jurisdiction of the federation according to the state treaty, can be changed by laws of the Slovak National Council, directives of the government of the Slovak Republic, or, where appropriate, generally binding legal regulations of the ministries and the other central agencies of state administration of the Slovak Republic.

**Article 175**

The interpretation and utilization of laws and other generally binding legal regulations of the Slovak Republic must be in accordance with the Constitution of the Slovak Republic and the constitutional laws of the Slovak National Council.

**Article 176**

Citizens of the Czech Republic who have permanent residence on the territory of the Slovak Republic have the same rights and duties in the Slovak Republic as citizens of the Slovak Republic, if this constitution does not state otherwise. However, they do not have the right contained in Article...

**Article 177**

The following cease to be valid:

(1) The constitutional law of the SNR No. 50/1990 of the ZBIERKA on the name, state emblem, state flag, state seal, and state anthem of the Slovak Republic.

(2) The provisions of Articles I through IV of the constitutional law of the SNR No. 79/1990 of the ZBIERKA on the number of deputies in the Slovak National Council; on the wording of the pledge of the deputies of the Slovak National Council, members of the government of the Slovak Republic, and deputies to the national committees; and on the term of office in the Slovak National Council.

An alternative proposal of the MKDH-ES [Hungarian Christian Democratic Movement-Egyuttetes] deputies' club on a treatment of the rights of national minorities and ethnic groups in the Constitution of the Slovak Republic.

**CHAPTER...****THE RIGHTS OF NATIONAL AND ETHNIC MINORITIES****General Provisions****Article 1**

(1) The rights of national and ethnic minorities are natural rights and are inviolable and unalienable. The state recognizes these rights and ensures that they can be exercised without interference.

(2) The state will support an atmosphere of mutual respect, understanding, cooperation, and solidarity between all persons living on its territory, without regard to the nationality of ethnic origin or religion, and will support the resolution of problems by means of dialogue based on the principles of the law-governed state. (K36)

(3) The state ensures education in the schools toward tolerance and mutual respect between members of the majority nationality and the minorities. In teaching history and culture, the history and culture of the minorities will be taken into account. (K34)

#### Article 2

(1) Every citizen has the right to acknowledge freely his nationality and ethnic and religious origins and to be a member of a group of citizens whose national, ethnic, religious, cultural, and other characteristics and heritage distinguish it from the remainder of the population. No influencing of this decision in any way is permissible. Any pressure directed at depriving someone of their nationality is forbidden and criminal.

(2) Membership in any national or ethnic minority whatever cannot be detrimental to anyone. (K32)

#### Article 3

(1) Citizens forming a national or ethnic minority have the right either individually or jointly with other members of the minority to the preservation and development of their national, ethnic, linguistic, and cultural identity and individuality. They have special legal protection for the purpose of securing them these rights. (K32) (RE 11)

(2) Citizens forming a national or ethnic minority have the right individually or jointly with other members of the minority to express freely their demands, to apply their rights, and to participate in the exercise, as well as monitoring the exercise, of these rights. They have the right to effect participation in the resolution of matters affecting the national and ethnic minorities. (K32.6b, K35, RE 13 III)

(3) The national and ethnic minorities have the right to a homeland, to the preservation and development of their spiritual and material heritage, and to the protection of the nationality and ethnic structure of their place of residence against all types of administration and other actions limiting the application of their rights as guaranteed by this law. (K33, Paris Charter)

#### Article 4

National and ethnic minorities have the right:

- a) To associate in their own societies, social organizations, and political parties (K32.2, 32.6a).
- b) To unrestricted contact with the population of the same culture from which they are separated by the state borders (K32.4).
- c) To participate in activities of international nongovernmental organizations (K32.6a).
- d) To turn to international organizations in the interest of securing the protection of their rights (K 40.7, RE 16).

#### Education, Use of the Language, Culture, and Information

#### Article 5

Citizens forming a national minority have the right to an education in their mother tongue starting with preschool institutions up through schools at the highest level.

#### Article 6

A citizen who is part of a national or ethnic minority is also guaranteed:

- a) The right to the use of his mother tongue in speech and in writing in private, public, and official contacts.
- b) The right to registration of his surname and names in registers in his mother tongue, as well as to the free use of these names also in official contacts.
- c) The right to the use of local and geographic names in his own mother tongue, as well as to dual, or even multilingual, indicators of the names of towns, public places, and streets.

#### Article 7

Citizens forming national and ethnic minorities have the right to overall development, particularly the right jointly with other members of the minority:

- a) To develop their own culture.
- b) To the publication and dissemination of books and the press, as well as to the operation and use of means of mass communication in their mother tongue.
- c) To acquire, own, reproduce, disseminate, and exchange information in their mother tongue.
- d) To the establishing and operating of their own cultural and scientific institutions.

Alternative:

Include as Article 32.

#### Political Representation and Self-Government

#### Article 8

(1) The election laws guarantee national and ethnic minorities the right to their own political representation.

Alternative:

Include in Article 28, Paragraph (5).

(2) National minorities have the right:

- a) To self-government, particularly in the field of education and culture.
- b) To create their own representative and self-government agencies which are the representatives of their will.
- c) To a proportional share of the budget for purposes of supporting activities according to Paragraphs a) and b), along with regard for compensation for the disadvantages arising from a minority position.

Alternative:

Include in Article 24, Paragraph (6).

**Article 9**

(1) In the highest elected agency of state administration, the national minorities have their own agency responsible for taking care of the affairs of the national and ethnic minorities.

Alternative:

Include in Article 97, Paragraph (4).

(2) Members of national minorities are proportionally represented in all territorial agencies of state administration in the regions where they live.

Alternative:

Include in Article 113, Paragraph (4).

**Article 10**

The territorial administrative units should be designated so that the rights of the national minorities are respected.

Alternative:

Include in Article 113, Paragraph (5).

**Article 11**

The details of the rights of the national and ethnic minorities, as well as the exercise of them, will be laid down in the code of rights of the national and ethnic minorities, as well as by the laws of the Slovak National Council.

**Idea of Slovak Self-Contained Constitution Explored**

92CH0281A Bratislava SLOVENSKY DENNIK  
in Slovak 11 Jan 92 pp 1-2

[Article by Ivan Simko: "Which Constitution Is Clean?"—first paragraph is SLOVENSKY DENNIK introduction]

[Text] In working discussions on the Slovak Republic's constitution, the increasing use of the term "clean constitution" has become a political slogan which evidently means different things to different political blocs.

A year ago, the Christian Democratic Movement (KDH) presented its concept of a common state, based on a contract. It was then that, for the first time, we encountered the idea of a Slovak constitution, emanating from a sovereign decision of the Slovak parliament, rather than merely a competency rider of the Federal Constitution. It was this interpretation which gave rise to the "clean constitution" slogan, referring to a document which would not be bound by any other legal instrument. In other words, a statement which, from a sovereign position, would speak of our constitutional right to determine freely with whom we wish to coexist, specifically, our decision on the future fate of our coexistence with the Czech Republic.

**Aims, Positions, Possibilities**

The proposed Slovak constitution, as presented for public discussion, contains many complicated variants on which the KDH will officially comment individually. First, however, it is important to consider what effect these variants will have on the current status of negotiations with the Czechs. Furthermore, we should ponder the real basis of the KDH concept, thus delineating our objectives.

The currently valid law on the federation states in article 142, paragraph 2, that until the ratification of national constitutions, the relationship between the two sides is governed by federal constitutional edicts. These, however, may be viewed and interpreted differently, with the exception of the undisputed right of each republic to express its preferences in its own national constitutions. The problem is that in the present situation, republic problems cannot be entirely divorced from those of the federation, and changes in the federation law are the sole purview of the Federal Assembly. This might lead to a situation where the republics adopt laws which are in conflict with the federation constitution and, in practical terms, threaten differing interpretation of certain mechanisms of state authority. These conflicts may be resolved by mutual agreement, in other words, by compromise between the parties. Unfortunately, enforcement is also an alternative, even though it need not always culminate in the spilling of blood.

**Expression of Individual Sovereignty**

For this purpose, the KDH proposes the state contracts. The republic parliaments would adopt their constitutions not as an addendum to the federal one, but rather as expression of their own sovereignty, while bound by the contract between the Czech and Slovak Republics on a common state, in which respective jurisdictions would be clearly delineated. The republic constitutions, along with the properly ratified contract, would provide a constitutional system in harmony with the federal constitution, emanating from the state contracts. This, in our view, would be the simplest way to a new agreement on Czech and Slovak coexistence.

The Czech side basically accepts the need for a state contract but understands its legal ramifications differently. Basically, the Czechs believe that the constitutional arrangement should emanate solely from the Federal Assembly. According to their interpretation of article 142 of the above-mentioned constitutional law, the National Councils are entitled to adjust the republics' constitutional arrangement only in terms not in conflict with the basic federation law. Even though I personally disagree with this interpretation, I must admit that it is possible, in fact, it is the crucial point in all discussions, and represents the barrier against a contract binding for the Federal parliament.

### Citizens' Rights

In this situation, there is one possible resolution which, despite disagreements, would have to be acceptable to negotiators of both republics. It would be to make use of that constitutional factor mentioned by President Havel in his address to the Federal Assembly, namely, the rights of citizens. In practical terms this would require several steps. Following collection, collation of and debate on citizens' views in national discussion, the Slovak National Council would prepare a single variant of the constitution and adopt a law on the constitution of the Slovak Republic in which the results of the popular referendum are reflected. Following this, probably along with the parliamentary elections, citizens would receive the constitutional draft for approval. The text ratified in this manner would have the highest degree of legitimacy, undoubtedly acceptable to everyone. It would also serve a good purpose if the state contract were adopted at the same time. Without the latter, new debates could result following the elections.

### Union of Free Will and Common Interests

What sort of Slovak constitution would be acceptable to the KDH? First, it should be noted that those who fear that the "purity" of the constitution will be "stained" by the mere mention of a common state with the Czech Republic, possibly even the present name of the state, are openly or secretly planning a full emancipation of Slovakia. At the Zilina congress, our movement adopted certain program objectives which advocate a restructuring of relations with the Czech nation, as a commitment anchored in free will and common interests. Such a state is our objective, even if it remains a dual state consisting of two equal republics, neither of which would have a dominant position. Therefore, the constitutional variant of a common state with the Czech Republic, is not in conflict with KDH concepts, since the common state is a reality and, in a substantially different form, our goal as well.

On the other hand, those variants which apriori set forth jurisdictions and institutions in the existing or anticipated constitution, are unacceptable to the KDH. The above-mentioned aims, ratified by the Zilina congress, emphasize that the KDH will not accept any state juridical arrangement not emanating from freely made decisions in Slovakia.

### Delineation of Jurisdiction

For this reason, I believe that the Slovak Constitution must include a full delineation of the power structures, citizens rights, and other constitutional issues. This also refers to one of the most sensitive questions, namely, the position of head of state. The presidency is essential for a functioning parliament and even today those aspects of it which are within the jurisdiction of the national republics are performed by the Presidium of the Slovak National Council (such as appointment and recall of Slovak cabinet ministers). The Slovak constitution should, therefore, also deal with this issue. It is for the

state contract, which may delegate part of its authority to the head of a common state, to determine which republic institution will perform the other prerogatives of president of the republic. This could, for example, be the chairman of the National Council.

On the other hand, the Slovak constitution may—and in my opinion must—reflect the reality that the Slovak Republic is a component of a common state with the Czech Republic. The constitution should also consider the possibility of new relations with the Czech Republic, based on the state contract, yet must simultaneously anticipate that this contract may not be ratified soon, or ever, for that matter. In such a case, certain provisions in the Slovak constitution will come into conflict with the federal one, and Czech and federal officials will claim unconstitutionality and cast doubt on their legality. If, however, the Slovak constitution is accepted by Slovak citizens, I can hardly imagine anything more legitimate.

### Between Scylla and Charybdis

In conclusion, I would like to add one other thing. The Slovak constitution is the first and most difficult step toward the resolution of Czech-Slovak relations. To successfully surmount this problem is more complicated than getting over the legendary Scylla and Charybdis. We cannot, however, avoid this problem, nor hide behind the status quo. We must proceed thoughtfully but with determination. We must present our views to our Czech partners honestly and with clarity. We must listen to and weigh their approaches. If we proceed in this manner, I am convinced that our nations will live together in harmony with their respective wishes and mutual benefit. We desire a common state but a dual one of two equal partners who will individually determine which prerogatives they will retain and which they will share. In this manner, they can become real partners and even friends.

### Preelection Standing of Major Parties Assessed

92CH0289A Prague RESPEKT in Czech 12 Jan 92  
pp 2-3

[Article by Martin Danes: "You With Me, If You Not With Them; Parties and Preelection Coalitions"]

[Text] Political parties have recently began to engage in the game of musical chairs. They are forming coalitions, alliances, and nonaggression pacts, and those which do not wish to have anything to do with each other under any circumstances are distancing themselves from each other. Everything indicates that a preelection campaign is getting under way—somewhat prematurely, more than six months before the elections—but our country is in an exceptional situation. Parties, which are today sharpening their knives for the preelection skirmishes, have mostly come into being only recently, some even only after last year's elections. Or, more precisely, after last year's plebiscite in which citizens decided on a general level between the old order and democracy.

A year and a half has gone by since then. Today, the fog over the political scene is slowly beginning to disperse and everything is taking on clearer outlines, but the Czechoslovak voter still has incomparably less information than his colleague in stabilized democracies. In that respect, therefore, a premature election campaign is an asset: thanks to the activities of the parties, which are gradually revealing who is who, what they want to achieve and with whom, people will go into the next elections with a better formed idea about their future representatives.

### Right and Left Did Not Lose Their Purpose

The classic division into right and left, often challenged (particularly by those who are not satisfied with their position), and totally turned on its head by Soviet political terminology (an orthodox communist there is considered a rightist, and a proponent of the market and individual responsibility a leftist), is precisely today proving that it continues to have currency here. The left and the right, particularly in the parliamentary environment, have clearly crystallized. At the same time, the roots of the Soviet confusion of terms are becoming visible: the right, which today is pushing for the most radical departure from the old system, would actually become in the political terminology of the past "progressive", whereas the left, trying to preserve what of the old system it considers good, could be called "conservative." Such division, however, has many inadequacies, and those parties, which today call themselves conservative, would probably be the first ones to object to it. They start with a comprehensive view of the world and defend those values which according to them have proven themselves beneficial to human society in the long run.

If some people were not entirely clear about what was involved in the breakup of the Civic Forum, it should be quite obvious to them now: The party and the movement which were formed out of the Civic Forum are its right and its left. The Civic Democratic Party [ODS] has a political program of classic conservative orientation. For the Civic Movement [OH], which despite its considerable initial political capital sank almost to the level of a party outside the parliament, it is suicidal to be ashamed of its leftist character. The former "sixty-eighters" and leftist intellectuals, who are the leading group in the Civic Movement, favor liberalism in all instances, but pushing it in the parliament tends to be more of an obstacle. The formulation of a concrete political program then becomes a difficult undertaking for them. Not even the formulation of an alternative plan for the economic reform proved to be the best remedy. In view of the fact that the movement has an absolute majority in both governments, and therefore a decisive share of power, the "opposition" economic program was a dubious political gesture. At the same time, there can be no doubt that the political left and right are irreplaceable.

### Coalition Marathon of the Right

The effort to unite the right stems from its conviction that it has a great chance for the next parliamentary victory in the Czech lands. The Civic Democratic Party is considered the nucleus of the future rightist coalition. The initial publicized negotiations of the ODS ended in failure. The representative of the Conservative Party, Jiri Kotas, left the negotiations in great anger and called Klaus a "miserable politician." Today Kotas is timidly knocking at the door of the Civic Movement and is thus unwittingly denying his originally proclaimed uncompromisingly rightist orientation. In the meantime, ODS made a coalition agreement with the Christian Democratic Party [KDS] of V. Benda, who himself recently ran away from an uncomfortable union with the People's Party.

Under normal circumstances, the next natural partner for the ODS-KDS coalition would be the Liberal Democratic Party (together with the KDS it makes up a single club in the Federal Assembly). But at present the Liberals are totally paralyzed by an internal split. The Civic Democratic Alliance [ODA], the party of the rightist intellectual elite, is for the time being nowhere near to forming a coalition with Klaus. After several sharp differences of opinion, the strained relations of our two most important rightist parties have been temporarily resolved by an agreement not to attack each other; only time will tell if it is viable. Both groups are searching for allies in Slovakia in order to gain a certain federal dimension. ODA found a partner in ODU-VPN [Civic Democratic Union-Public Against Violence], and ODS is flirting with the Democratic Party. In addition, recently the ODS courageously declared itself a federal party and began to organize its membership base in Slovakia. We have to have to talk about courage if only because of the fact that not even the Communists were able to maintain a federal structure up to the present, and except for Social Democracy there does not exist today a federal force of any significance.

The Czechoslovak People's Party [CSL], with which Klaus refused to negotiate about an alliance on the grounds that he does not consider it a rightist party, is still searching for its own identity. Its past, when it was collaborating with the Communists, did more than just leave a moral stain on it. Active at its center to this day is a strong wing centered around Deputy J. Bartoncik, whose lustration proved positive. The new chairman J. Lux is trying to eliminate his influence, but thus far his efforts have not been entirely successful. In his effort to succeed on the right of our political scene, which deputies of the R. Sachr type are of course trying their best to frustrate, Lux gambled on the alliance with the Confederation of Political Prisoners. In view of the role which CSL played here prior to November, its alliance with the political prisoners of the former regime is strange, to say the least. The Club of Nonaligned Activists at first formed an alliance with ODA (then tried for an agreement with ODS), and today is acting on its own. But its



representatives stressed several times that they are interested in membership in a possible future large rightist coalition.

#### The Left's Vacillation

On the left the situation is quite a bit more complicated. The Communists are split not only along the federal line, their Czech wing has split as well. For example, even such a noted noncommunist as V. Mohorita is a member of the Democratic Labor Party which claims to be noncommunist. Horak's and Komarko's Social Democracy, which registered considerable growth during the past year, announced that it will never make an alliance with the Communists. But its vocabulary and program do not differ much from theirs at this time. Thus far the coalition of the Czechoslovak Social Democratic Party [CSSD] and OH is not realistic either, even though there is no telling what the instinct for self-preservation will make the OH do on the eve of the elections. There can be no talk at all about a preelection coalition of the CSSD with Rudolf Batek's Association of Social Democrats, because the Association, active in the Federal Assembly, is openly coveting an association on the right.

Parties such as the CSSD, the Greens, and the Agrarian Party are successfully compromising themselves in the Extra-Parliamentary Congress by the side of the Republican M. Sladek, with their revolutionary, crazy demands, which seem to lack only the demand to shoot all our present constitutional functionaries.

#### The Importance of the Election Law

Squabbles among the officials of the political parties can easily turn into disaster with far reaching consequences, if the current election law, in which the proposed parliamentary amendment makes only cosmetic changes, remains in force. There is a danger that large and small parties, associating themselves in ephemeral coalitions according to the standing of the parties at a given time, will in the end force the public interest to the periphery of their attention for the sake of their own particular interests. The adoption of the president's draft of the election law would put a considerable break on such tendencies. Parties hoping for a good result in the elections would have to show their hand already before the elections: the majority element would then force them to create firm preelection coalitions. Moreover, the ties between the deputy and the voter would be much closer thanks to small one-mandate electoral districts. The deputy would not then be subject only to the political apparatus of the party, but would be directly responsible to the voters of his district. The draft of the election law is probably the most important legislation that the president submitted to the parliament thus far.

#### Conditions Favoring Common Economy Analyzed 92CH0286A Prague PRACE in Czech 7 Jan 92 p 5

[Article by Jiri Vavron: "Crazed Eyes Do Not Make for Good Calculations"]

[Text] From time to time, when it fits into the political game, both republics experience passionate polemics on

whether it would not be better to segregate economically, who is worse off and why and who is the greater pauper at the expense of the other. The common motto is, for the most part, the ignoring of actual facts. The "high-quality ammunition" which the Slovak side frequently uses in economic discussions is the alleged lack of respect for the specifics of the Slovak economy, which tends to impoverish and oppress Slovakia. This ignoring of the "specifics," some Slovak economists claim, is to be attributed to the economic reform. This gives rise to the demand for some kind of transformation, for a reform which is different from that which is the work of the evil Czechs and which would take account of a totally different situation in Bohemia and in Moravia and in Slovakia.

This view is supported by the actually more complicated and more difficult situation in the economy which objectively exists in Slovakia. More unemployment, greater failures...

Let us look at this situation soberly. What is being alleged as the specifics of the Slovak economy, allegedly requiring some kind of other reform than the one which is currently under way? According to some Slovak economists, Slovakia has a concentration of industrial branches producing primarily for production consumption—in other words, semifinished products, components, materials, which flow to Bohemia and Moravia which have more enterprises engaged in finishing products and, thus, enjoying greater profits from these activities, because their products are more readily salable. The Slovak economy is more import-intensive. Products involved in these imports, particularly petroleum, are then delivered to Bohemia. Armaments production is concentrated in Slovakia and is now being dismantled, something which is trampling on the Slovak economy. The disintegration of the CEMA markets impacted more heavily on Slovak enterprises.

If we look at available facts, however, it is not possible to state unequivocally that production which delivers semifinished products, components, etc., to Bohemia predominates in Slovakia—in other words, production for production consumption purposes. Out of 30 decisive branches, the Czech Republic has 16 more than exist in Slovakia which are focused on production consumption. Overall, the proportion of production for production consumption purposes in both republics is virtually even. Fully 64 percent of the sales made by Czech enterprises in Slovakia have the character of deliveries for production consumption; in the opposite direction, the percentage is 52.4 percent.

#### Differences Do Exist

In Slovakia, imports actually play a significant role. Total imports, when viewed against all resources within the 30 decisive national economic branches, account for 13.2 percent in the Czech Republic and 14.9 percent in

Slovakia. In the structure of imports, the former CEMA countries actually played a greater role in Slovakia, particularly the USSR. Of the total volume of imports in Slovakia, the former socialist countries accounted for 72 percent; in Bohemia, 66 percent. On the other hand, however, expressed in absolute terms, the Czech economy imports a minimum of twice the volume of Slovak imports in all categories of imported goods. The share of exports of products and goods from the 30 decisive branches of the economy to the former CEMA countries was 13 percent for Slovakia and 11.8 percent for the Czech Republic.

Armaments production culminated in our country in 1987, when it represented 3 percent of total industrial production in the state. The Slovak share in those 3 percent was actually greater—about 60 percent—which represents 5 to 6 percent of the industrial production in the Slovak Republic. Armaments production today is declining, and this is particularly true in Slovakia where it is supposed to decline from the 60-percent level to 40 percent, which will impact approximately 50,000 workers. However, this restriction will impact primarily on Central Slovakia Kraj. A similar situation will ensue in Bohemia and Moravia—in Central Bohemia Kraj and in the south Moravian region.

A reaction to this actually difficult situation seems to be consistent regional measures rather than the halting of the reform which is sometimes demanded in Slovakia.

#### Making Use of What Is Usable

What is essential, however, is the fact that sometimes another fact is obscured. Slovak enterprises are less efficient in production and are less effective in the area of exports. Slovakia accounts for 33.7 percent of the population of the Czech and Slovak Federal Republic, has 31.8 percent of the work force, and accounts for 30.4 percent of the national income. Results are worse also with regard to examining the adaptability of Slovak enterprises to the requirements of demanding markets and regarding the utilization of the local scientific-technical potential.

In my opinion, the main problem besetting the Slovak economy does not so much involve Slovak specifics as the failure to utilize actual opportunities inherent in the economy, the low efficiency of production and export. And no one is ridiculing the fact or underestimating the fact that imports are actually immensely important to Slovakia; the conversion of the armaments industry is a fact; the focus on the USSR is great. However, it is not possible to demonize these factors and to blame them for everything. Moreover, it is not possible to blame the low efficiency of Slovak enterprises on the evil Czechs or on the fact that only rejects find their way to Slovakia from the Czech Lands, but rather on the fact that not all which exists is being utilized.

#### A Little History

At the time Czechoslovakia came into being in 1918, there occurred a combining of two economically diverse entities. The developed industrial countries of Bohemia and Moravia and the backward agrarian Slovakia. Approximately 8 percent of Czechoslovak industrial production took place in Slovakia; the productivity in agriculture amounted to approximately 60 percent of the productivity demonstrated by Czech and Moravian farmers. These differences persisted for years. Changes were absurdly brought about by the war. The industries of the Protectorate of Bohemia and Moravia were made part of the German Reich and were mercilessly plundered without renewal and capital investment. Slovakia was strongly supported by Germany and experienced a certain economic expansion. The economies of Bohemia and Moravia were also impacted by the expatriation of the Germans and by the devastation of developed Sudeten German industry. After the war, therefore, the economy of Slovakia joined the renewed state in relatively better shape. In 1948, the share of Slovakia in the national income amounted to 19.2 percent.

After the war, and particularly under conditions of a central command economy and central planning, the Slovak economy was developing at a faster pace than that in the Czech Lands. In Slovakia, in the years 1948 through 1989, the gross national product increased 11-fold; in the Czech Republic sixfold. Whereas the volume of industrial production in the Czech Republic increased approximately 12-fold, the increase in Slovakia was 33-fold. The result was the approximate balance between both of the economies without any "specifics." Even the structural characteristics of the Slovak economy were changed. In 1989, industry accounted for 68 percent of the gross domestic product in the Slovak Republic. Entire new branches came into being, Slovakia is delivering an entire series of industrial products, in a number of cases the entire Czechoslovak capacity for producing a given product is concentrated here (refrigerators, freezers, etc.). However, the proximity to the USSR also came into play, as did the delivered raw materials, which provided the impetus for the development of branches which are, today, a millstone around the neck of the Slovak economy. Employment rose sharply in Slovakia; there was a substantial increase in capital construction compared with the Czech Republic; for example, the average age of machinery in the Czech Lands is greater than that in Slovakia. There was even a certain redistribution of the national income to benefit Slovakia—from 10 billion korunas [Kcs] to Kcs5 billion annually. Proof of this is the fact that the utilized national income in Slovakia for years exceeded the gross national product. Thanks to these transfers, it was possible to achieve the given level in Slovakia essentially in half the required time. However, the necessity for these transfers has already passed in the current period, because the level of the economies involved was essentially balanced.

### Common Points of Departure

So, the bottom line has been drawn. While the period from 1918 through 1938 meant a period of prosperity for Bohemia and Moravia, war brought devastation and the subsequent period, from 1948, resulted in a gradual decline to a level of the developing nations, Slovakia experienced improvement during the war period and a subsequent improvement in its economic situation. This is another reason why, in the Czech Republic, following 40 years of decline, the economic reform with all its negative and hard problems is perceived as a chance for the future and why, in Slovakia, the accompanying manifestations of the reform are seen by some short-sighted, chauvinistic, or socialist economists as impoverishment, the loss of a state model for managing the economy, or a forced decline and a return not to Europe, but to somewhere altogether different.

All of this is framed by the fact that the impacts of the reform are actually harder in Slovakia than in the Czech Lands. And, in my opinion, this is what nourishes the various tendencies and efforts to cast doubt on the reform, to halt it, or to socialize it. All of this is also supported by the illusion regarding a repetition of the "Slovak economic miracle" which occurred during the period of the Slovak State and fosters efforts to separate the economies. Only, the situation today is completely different. On the one hand, a uniform model of an economy did not come about at that time, both countries were not closely tied together and dependent on each other. Today, there are totally different economic, export, and import conditions, a different international atmosphere. The latter includes the not overly great enthusiasm of economic circles in the West for supporting the disintegration of the economy of the Czech and Slovak Federal Republic, a change in all agreements, etc. A disintegration would more likely represent a necessity to pay economic hazard insurance which would not be a plus for the economic circles in the West. It would be more a case of a necessary evil, a burden for the Western countries which, unfortunately, are themselves experiencing a period of economic recession, so that sacks full of free dollars can probably also not be anticipated. Not to mention the loss of prestige which the reform as well as the Czech and Slovak Federal Republic has managed to acquire in the meantime.

Economic fragmentation would definitely not mean economic well-being for citizens, including those who are burning candles in Slovakia for the disintegration of the state. If, for example, making the economies independent were to be accompanied by an approximately 50-percent loss of sales in mutual national markets, because 11.5 percent of production in the Czech Lands moves from the Czech Republic to the Slovak Republic, while 27 percent of Slovakia's production flows to Bohemia and Moravia, these would be quite drastic consequences for the Slovak Republic. A disintegration would threaten some 200,000 jobs in the Czech Lands and in Slovakia. However, in view of the number of workers involved, this would have more catastrophic

consequences for the Slovak economy. There would be shortfalls in deliveries which would have to be replaced through imports. But where would the money come from? There would be a growth in indebtedness, etc., etc.

### Reality Must Be the Decisive Factor

The end of socialist management is not only a fact, but even an economic necessity. The economy of the state needs a fundamental reform so that Czechoslovakia would once again occupy its rightful place in the world and a place to which it is entitled in view of its human and economic factors. It is necessary to halt the decline which was begun in 1948. The reform represents a chance for the state, for both of the republics, irrespective of how badly those who are out of work are willing to stone me to death. In today's world, this is the only chance. A radical economic reform is hard and will leave its mark on a number of people and even the economy as a whole, as well as on the republics. How to prevent temporary impacts is another question. However, the way out is definitely not in either halting or altering the reform or bringing about the disintegration of the economy. It is possible to experience the transformation through joint effort, without any kind of specifics or specific national reforms. And nobody is denying that the impact of the reform will be heavier upon the Slovak economy. The interconnection between both economies, the level attained, the mutual dependency between them, however, virtually provide the incentive for the process of radical reform to be uniform, that it be handled uniformly in view of the opening to the world as a whole, particularly because both economies are virtually in balance. Together, problems can be faced better, including the acceptance of foreign aid.

It is, therefore, high time to seek optimum ways of carrying out the transformation rapidly instead of looking for artificial fragmentations, looking for who did something at the expense of another, or who did something to him; it is high time to look for ways to attenuate social impacts in such a way that both republics could make use of their advantages or could help each other. Of course, on the principle of mutual advantage for both sides. The deliberate slowing of the pace of the reform, the causing of disruptions, the use of shallow discussions, the use of redistribution will not result in anything; no one will, in practice, gain anything by these stratagems, although I dare say that the Czech Republic could survive it all more easily. But there is no point in testing this. I see the tendency toward national specifics of all colors more like a certain disinclination to actually change the system of management, more as a move to preserve the former status quo. The unwillingness or inability to focus primarily upon the elimination of low efficiency in production, the low competitiveness, slow changes in the production assortment. These are the causes behind our present situation.

But the way into the world, the ways of change for the better, the ways of returning to rational management, to a market mechanism, cannot be achieved any other way.

**SZDSZ, MDF Debate Details of Media Law**

92CH0238B Budapest MAGYAR HIRLAP  
in Hungarian 18 Dec 91 p 6

[Article by J.D.: "Both Parties See a Need for a Media Law; Single Person or a Board of Directors?"]

[Text] "Every day that passes without a media law continues to disintegrate the public service radio and television. Every day that passes without secure financial resources, with fears about the media not receiving enough money as a result of conduct disapproved by the government, continues to make lives at the media more difficult. And this is not in the long-term interest of the government, because the news media could lose their credibility," according to Alliance of Free Democrats [SZDSZ] Representative Miklos Haraszti, speaking of the pending media law.

The legal provisions presently worked on by the National Assembly Subcommittee on the Press would regulate the operations of the public service radio and television, as well as the licensing and supervision of independent commercial radio and television broadcasters.

Pursuant to an agreement reached by the Hungarian Democratic Forum [MDF] and the SZDSZ, the vote on the media law will be subject to the two-thirds rule, and thus its adoption will depend on the opposition's support. For this reason a mutually acceptable plan had to be developed. Haraszti said that the SZDSZ was not surrendering any part of its established position according to which political forces must not interfere with the operations of the public service television and radio, and which provides that the organization licensing independent television and radio broadcasters not be subordinated to the government.

The opposition also wants to establish foundations for the financial independence of public service media. This requirement is justified by the fact that even if parliament adopted rules guaranteeing the independence of the television and the radio with the agreement of the opposition, governmental forces could exert pressure on these institutions through the budget, the passage of which requires only a simple majority vote.

MDF Representative Tibor Balazsi, a member of the Subcommittee on the Press, agrees with the need for a media law. He feels that the existing disorganized state of affairs must be done away with in order to reduce the burden on the public service media and to establish conditions for the operation of commercial radio and television stations. This is even more important from the economic and commercial standpoint.

Independence is the key word in Haraszti's view. Among other matters, independence means that the role to be played by political forces must be limited to parliament electing on a consensual basis a responsible head of the

public service media, a person having independent decisionmaking authority regarding organizational, programming policy and other issues. Representatives of political parties would pursue their activities in the so-called supervisory committee. This body would have no operational authority, but would exercise strict judgment after the fact as to whether an institution complied with the requirements of its founding charter and performed its public service functions in the long term, as specified by law.

In contrast, the MDF would like to establish a board of directors to render decisions regarding strategic issues. Experience shows that a single person should not be burdened with the responsibility of providing leadership and that it would be preferable for a team to support the individual leader, according to Balazsi.

In Haraszti's view a board of directors could serve as a conduit for the exercise of political pressure upon the institutions. And it is precisely this kind of situation the liberal opposition wants to prevent. Based on events that transpired thus far one cannot draw the conclusion that leaders are unable to perform their tasks; disturbances have occurred precisely because of the absence of a supervisory committee and because of budgetary pressure on the media.

The SZDSZ advocates the establishment of a fund under public law which guarantees the financial independence of the public service media. Public funds would be used and these funds could only be expended based on a two-thirds majority vote cast by parliament. In this way the government would recognize that the public service media served a higher interest than those of the government prevailing at any given point in time.

Members of the press subcommittee succeeded in reaching an agreement to the effect that local public service television and radio stations must be placed under local government supervision subject to a two-thirds majority vote by the local legislatures irrespective of the composition of the majority in the given unit of local government.

For the time being the subcommittee did not succeed in reaching an agreement regarding the functioning of the radio and television office [RTH]. In Balazsi's view the head of the office should be appointed by the head of government, because this way the government would be responsible and held accountable for the functioning of the RTH. In contrast, the opposition insists on a two-thirds majority vote to be cast by parliament to decide who should be the head of the office. Haraszti claims that the government's plan would essentially bring about a communications superministry akin to the State Property Agency [AVU] which, in reality, would place authority in the hands of the government to determine who has and who does not have the right to operate a free radio or television in Hungary. "For in Hungary it has become customary to turn for permission not to the



organization which provides funding, but to the one who appoints the person who provides funding," according to Haraszti.

Party representatives feel that an acceptable agreement may be reached within the foreseeable future at least at the subcommittee level, despite the existing differences. In Balazsi's view many differences involve terminology, as for instance in regard to the SZDSZ's desire to have an independent radio and television, while the MDF wants to see a nonpartisan radio and television.

Work has been made more difficult by the fact that representatives must also take positions regarding technical issues, as for example viewpoints concerning cable television must also be reconciled from a technical standpoint.

Supposedly, conflicts also exist within the parties; suffice it to refer to Istvan Csurka's statement according to which commercial television is poison whose spread must be prevented.

Despite the difficulties it is conceivable that within a few months the subcommittee will prepare a draft media plan that is acceptable by both the ruling party and the opposition party and that is capable of establishing steady operating conditions for both television and radio.

#### **FIDESZ's Tirts Evaluates Local Governments**

92CH0244B Budapest MAGYAR HIRLAP  
in Hungarian 19 Dec 91 p 9

[Interview with Tamas Tirts, member of parliament and the Federation of Young Democrats, by Attila Farkas; place and date not given: "Local Government as Seen Through Federation of Young Democrats' Eyes"]

[Text] FIDESZ [Federation of Young Democrats] finished third in the local elections last year. It holds in all 792 of the seats on local-government councils. And it has supplied the mayors of nine cities (including Szeged, Miskolc, Nyiregyhaza, and Szekesfehervar), two Budapest districts, and 15 towns. In many local governments the "responsibility of governance" rests on the shoulders of Young Democrats. We interviewed Tamas Tirts, the FIDESZ member on the National Assembly's Local Government Committee, about the local governments' activity during their first year and about the functioning of the "orange" local governments.

[Farkas] What is your assessment of the local governments' activity during their first year? To what extent has the concept of self-government been realized so far?

[Tirts] I am able to consider your question mainly on the basis of my experience on the National Assembly's Local Government Committee. I see primarily the legislative problems and am less informed about the day-to-day operations of individual local governments, although I am striving to familiarize myself with them. We are now

beginning to evaluate the first-year activity of the FIDESZ-controlled local governments, and of the ones in whose administration we have agreed to participate. A debate on the professional report on local governments will be one of the main topics also on the agenda of FIDESZ's congress, to be held in February.

[Farkas] Then perhaps let us begin with the legislative work relating to local governments.

[Tirts] The concept of self-government has unquestionably gained ground in the sense that local government by people's councils of the past decades has ceased for good and, in contrast with the centralized system, the shaping of a decentralized one has begun with the enactment of the Local Government Law. But one must also recognize what is now a topic of debate even among experts: namely, that perhaps we should not have started with hastily enacting a law that had not been thought through carefully enough, due to a shortage of time. I myself belong among those who believe that this law ought to be amended as soon as possible, because on many professional questions it is not possible to maintain the six-party consensus that had served as the political basis for the law's enactment. In August of last year, however, parliament was under strong pressure to enact this law, because it was needed to be able to hold local elections as soon as possible, so as to complete the change of political systems. But the change of political systems did not end with the local elections because putting in place an entire system of local government is a complicated process. All the parliamentary parties agree that the law must be amended, and the only question that remains pertains to when that should be done. At the end of the present National Assembly's term or at the beginning of the next one's term?

[Farkas] On the basis of all this it appears that, in FIDESZ's opinion, parliament still has "unfinished business" in conjunction with local governments.

[Tirts] The Local Government Law is a skeleton law, for which it is essential to enact ancillary laws to make it "work." Regrettably, the enactment of ancillary laws was delayed. Passage of the Budapest Law, for instance, was held up because of wrangling between the metropolitan administration and Budapest districts; the SZDSZ [Alliance of Free Democrats] started the wrangling, and it was compounded by maneuvering on the part of the central government. There is even more delay on enacting a Housing Law, promised for the spring of this year. According to our latest information, the central government intends to introduce the bill only next spring. There is strong suspicion that either the central government's entire housing concept has been overturned, or the Interior Ministry is disregarding completely the comments made to date, is employing wearing-down tactics, and plans to present to Parliament its original ideas in their unaltered form. In my opinion, Parliament must bear responsibility for its inability to rise above party politics on many issues affecting local governments; or the central government is not hastening



this process, and occasionally is even obstructing it, because most local governments are controlled by opposition parties. There are many gaps in statutory regulation. The transfer of assets to local governments has been in vain if they are unable to exercise their rights as owners.

[Farkas] Taking all this into consideration, how do you rate the local governments' work? To what extent are they able to exercise the scope of authority granted them?

[Tirts] One has to start out from the fact that it was not fashionable to assume a role in politics at the local level. That, of course, is connected with the characteristics of the former system of people's councils. In many places, not the best qualified people have been elected to the new councils. To a large extent that explains the internal dissent in a few settlements; or the fact that also persons who are now abusing their positions have become political and economic beneficiaries of the new local governments. This has been a contributing factor in the local governments' inability to draw closer to the residents. Nor have the local governments been exerting much effort to do so up to now. They are not taking advantage sufficiently of such opportunities as the system of public hearings, forums of local residents, and local referendums. Local-government leaders and councilmen are afraid to face local residents openly for the time being, although the mandates of the former could be used to explain to the latter how many problems had accumulated in the given settlement over the past decades, and that elimination of the problems could not be expected overnight. From another point of view, the weakness of the local governments' common-interest associations also poses a problem. Up to now the local governments have been unable to find a suitable common form for asserting their political interests, one that would enable them to lobby the Interior Ministry, the central government or even parliament.

In sum, however, parliament, the central government, and the local governments are jointly responsible for the fact that, on average, society's opinion of the changed structure is not too favorable. For the time being the people do not really feel that the local governments are functioning on their behalf.

[Farkas] Beyond this general evaluation, what can FIDESZ do for the local governments it "dominates"? How would you rate the work of the party's 792 councilmen and FIDESZ-controlled local-government bodies, respectively?

[Tirts] FIDESZ is attempting to use professional criteria in its evaluation, and to rate on the basis of the types of settlement the work of the FIDESZ-controlled local-government bodies, FIDESZ caucuses, and mayors who are FIDESZ members. Our experience varies. For instance, among the cities there are local governments—I would cite Miskolc or Szeged as examples—where the mayor's scope of authority is much greater. You could

say that these cities have municipal administrations of the "presidential type." And again there are local governments where the councils exercise closer supervision, and collective leadership is beginning to develop. In very many localities the FIDESZ councilmen began to function as caucuses only after a six-month delay. In addition to conducting surveys, our recently established Local Government Office is also holding many conferences for the professional further training of councilmen. We have created also an advisory body on local government, a "summit organ" consisting of FIDESZ mayors and municipal-council leaders. It is intended to coordinate the local-government activities of FIDESZ, and to help shape strategic decisions by summing up the available experience.

### Kadar Voices Optimism in Austrian Interview

92CH0224A Vienna DIE PRESSE (supplement)  
in German 11 Dec 91 p 1

[Report on interview with Bela Kadar, minister for international economic relations, by Gerd Biro; place and date not given: "Western Orientation Completed"]

[Text] A significant geographic reorientation in Hungary's foreign trade has recently taken place. As a result, 71 percent of Hungarian exports are going to OECD countries and exports in freely convertible currencies have rapidly developed since 1989. The shift is due to the fact that exports to Western countries continue to increase dramatically, while total exports are no longer declining in spite of the collapse of CEMA. In an interview with DIE PRESSE, Prof. Dr. Bela Kadar, the minister for international trade relations, therefore confidently predicts the first ever major rise in total exports for 1992.

The CEMA collapse has forced Hungary, and at the same time provided the country with the opportunity, to adapt to the realities of the world market by radically restructuring production and introducing marketing strategies in line with the demands of its new foreign trading partners. In 1991, Hungary succeeded in uncoupling export capabilities from import demands, as it were, and in arriving at a point where export and tourist income not only cover import outlays but also the costs of servicing its foreign debt.

In 1991, Hungary's foreign debt (figured in ECU's [European Currency Units]) will even decline by about 5 percent. At the same time, the country was able to increase its foreign currency reserves threefold. At present, there is virtually no difference between the official and the free rate of exchange of the forint.

This is primarily due to the fact that direct foreign investment has substantially surpassed the \$1 billion mark. It is worth noting that the expansion of exports in 1991 was achieved in a period during which imports were liberalized by 90 percent.

In addition, the export successes were achieved in conjunction with an exchange policy which practically amounted to a revaluation of the forint on the domestic market. In 1990, producer prices rose by 23 percent and, in 1991, by 37 percent while the forint was devalued only once, by 15 percent, early in 1991. The 5.8 percent devaluation which took place in November 1991 does not have a real impact on the year's trends.

Exchange policy thus hardly took account of the export economy—at a time when there were only limited resources available for export promotion.

In view of the fact that neither the domestic market, nor the former CEMA countries will be able to play a major role in the Hungarian export picture over the next two or three years, the only hope for increased exports lies in the European economic area, in North America and the Pacific area. Although the export industry may become more competitive as a result of privatization, this cannot be viewed as an independent growth factor since private industries have also operated poorly.

Since totally spontaneous restructuring would result in substantial losses, there is a need to devise a strategy for the transition to a market economy.

This includes the continuing development of profits and of the infrastructure necessary for modernization and the promotion of direct foreign investment, along with the transformation of the Hungarian transportation and energy system in a westerly direction and retraining programs for a portion of the labor force.

In 1990 and 1991, direct foreign investment which plays a major role in Hungary's modernization contributed an average of 3 percent to Hungary's GNP. Only a 50-percent increase would meet the requirements of debt servicing which would put an end to capital outflows.

International experience shows that successful countries undergoing a period of accelerated modernization are capable of absorbing direct foreign investment amounting to about 5 or 6 percent of the GNP. In the case of Hungary this would represent a 100-percent increase in direct foreign investment, and, at the same time, a net surplus of resources as well as about one-quarter of total investments in the Hungarian economy.

To achieve this goal, Hungary's advantageous economic position would have to be promoted on a continuing basis.

#### **Unfavorable Stock Market Performance Discussed**

92CH0288C Budapest FIGYELO in Hungarian  
2 Jan 92 p 5

[Article by Ervin Zsubori: "The 18-Month Record of the Stock Exchange: The Jolted Compass"—first paragraph is FIGYELO introduction]

[Text] The duality of huge bursts and long periods of stagnation characterizes the functioning of the Budapest

Stock Exchange that resumed operations on 21 June 1990 (see last year's detailed analysis in our previous issue). The following article presents the opinions of six professionals in regard to the Stock Exchange's performance during the past 18 months; in their respective capacities, each of these persons has something to do with the stock market.

#### **Stock Exchange Director**

**Ilona Hardy, managing director of the Budapest Stock Exchange:**

#### **"Hungarian Investors Missing"**

Last year the Budapest Stock Exchange was filled with contradictions. Since its reestablishment a year and a half ago the Stock Exchange has performed transactions amounting to 12 billion forints, and the number of securities traded has increased to 19 billion forints as of mid-December. The value of stock traded has more than doubled since a year ago and amounts to almost 40 billion forints today. The number of intermediaries has also increased significantly: There were 54 brokerages as of the end of last year. At the same time the daily value traded and prices varied greatly, extreme fluctuations have been recorded on occasion. The average daily value traded is 40 million forints. In one instance the value traded exceeded 246 million forints, but days with only a few million forints worth of transactions have not been rare either.

Considering that this exchange has just begun functioning, the numerical growth indexes are clearly favorable. The actual expansion, however, is far more moderate than what had been hoped at the time the exchange opened; in recent months in particular a number of negative trends presented themselves. The most significant of these was a 25-percent drop in the average price fluctuation index as compared to the beginning of the year; this could lead to a loss of confidence. The declining trend has to do with unrealistic high issuing prices and with the partial listing of the net profits of firms listed by the exchange. A low level of liquidity and a lack of domestic demand present the greater problems.

Among the reasons for these unfavorable processes one should first mention the small number and low quality of securities offered. Thus far privatization has, unfortunately, avoided the Stock Exchange. Three-fourths of the supply originates from firms organized as private firms from the outset. The so-called leading stocks are missing; most of these would be banking stock. Not even in 1992 can we expect to trade the stock of large Hungarian banks due to the delayed privatization of banks.

The fact that the domestic market has not evolved and that there are no Hungarian investors is also an unfavorable circumstance. Large investments made by pension funds and insurance companies could even out the present extremes. Ongoing political, economic and military processes throughout the world also have a negative

impact on the Stock Exchange. The Gulf war, the Moscow coup, and the civil war in Yugoslavia evoked negative reactions.

Considering all the above, many signs suggest a substantial 1992 growth potential for the Budapest Stock Exchange. Enactment of the investment funds law may be the first important step toward opening ourselves to Hungarian investors. Tax benefits providing a 30 percent deduction from the tax base to first subscribers of newly issued stock will also weigh heavily in investment decisions. This, together with the 10-percent reduction in taxes on dividends, is a rather effective force to divert domestic savings in the direction of stock purchase and involvement in privatization.

Supply has been expanded by a large volume of state bonds traded on the Stock Exchange; this is expected to generate large volume trading in the future. The appearance of compensation vouchers on the market is viewed cautiously because no one can tell whether these will be a blessing or a curse insofar as the stock market is concerned. On the other hand, compensation vouchers will certainly facilitate the entry of stock of privatized firms to the Stock Exchange.

The listing of expressly good quality foreign stock in Budapest plays an outstanding role in stock market development and in the integration of the Stock Exchange with international capital markets. Leading stocks like these stimulate domestic investment and reinforce foreign confidence. We must also overcome the low developmental level of our infrastructure in 1992. The Common Market and the British Government are providing millions of dollars for systems development to support the large trading floor at the bank building on Vorosmarty Square.

However new the Budapest Stock Exchange may be, and however small or extreme changes it may show, it reflects the present state of the art of the Hungarian stock market with all its advantages, amorphous state of affairs and contradictions. Since the stock market is at the peak of all market institutions, it will develop only gradually, through bursts of success and crisis phenomena, but by all means over an extended period of time. While medium term growth trends which could truly catalyze the development of the capital market in 1992 are clearly recognizable, one must not forget that the Budapest Stock Exchange remains the first concentrated securities market in the region that operates daily, and may serve as a compass for the development of similar markets in East-Central Europe.

#### Founding Member

**Balazs Orosz, deputy president of Foreign Tourism, Procurement, Travel, and Shipping Company, Inc. [IBUSZ]:**

*(Note: The firm's securities have been listed on the stock exchange ever since it renewed its operations.)*

#### "We Have No Regrets"

A functioning Stock Exchange is an indispensable element of the evolving Hungarian market economy. The issuance and introduction of IBUSZ stock at both the Budapest and the Vienna stock exchanges in 1990 amounted to an international success. Due to significant oversubscription to the stock, initial IBUSZ stock prices had soared. As a result of high foreign interest during that period IBUSZ stock prices had been determined by the Vienna Stock Exchange.

The events of 1990 and 1991 created a crisis in international tourism. Several prestigious travel agencies experienced critical financial situations. This crisis also cast its shadow on IBUSZ stock at the Vienna Exchange despite the fact that IBUSZ earnings exceeded the average earning of travel agencies and notwithstanding the fact that in May 1991 IBUSZ established its own bank.

As a result of the lower trading volume at the Budapest Stock Exchange IBUSZ stock was more sensitive to Hungarian economic trends and to information related to firms listed by the Stock Exchange. As a result of this, the diminished dominance of the Vienna Exchange could be felt in the evolution of IBUSZ stock prices.

Additional securities should be traded at the Budapest Stock Exchange and more liquid capital would be needed in order to develop the Stock Exchange. The former may be achieved as a result of accelerated privatization, while the latter could become available as a result of increased confidence in stocks and lower interest rates. Higher standards for stock-related investor information provisions should be established. This would primarily be the function of firms which issue and trade stock.

In reflecting upon the past year and a half, we have no regrets about having taken an active part in establishing the Budapest Stock Exchange despite the fact that we did not, and do not always agree with the value judgments produced by the Stock Exchange. Whether we like it or not, such value judgments exist and we must strive to change those so as to provide advantages to investors.

#### The Novice

**Gabor Szemkeo, president of Hungagent, Inc.:**

*(Note: Hungagent stock was introduced to the Budapest Stock Exchange in December 1991.)*

#### "Being There Will Be a Status Symbol"

Every firm willing to provide information about itself, which agrees to be measured, and which seeks owners who agree with its strategies and are prepared to support the firm by investing capital should be present at the Stock Exchange. Hungagent, Inc. is one such firm, and the Budapest Stock Exchange, with all its problems and childhood diseases already performs this basic function. But one can expect a real serious assessment only after extended presence in the stock market. To accomplish

this, one must register the stock with the Stock Exchange at this time. I am convinced that doing so is worthwhile because a presence at the Stock Exchange will, sooner or later, represent economic weight, and give it a certain rank. Investors have more confidence in firms whose operations are checked by the Exchange. I do not count on a heavy trading volume insofar as Hungagent Inc. securities are concerned. I am confident that our stock will be good enough so that no one will want to get rid of it....

#### **The Broker**

**Miklos Andrasi, managing director of New York Broker Budapest Ltd.:**

#### **"It Operates as a Nice 'Showcase'"**

Last year's performance of the Stock Exchange threw cold water at heightened expectations. It has become clear to everyone that the establishment of the Exchange alone would not resolve the problems of the Hungarian capital market. Many other institutions are needed to accomplish this.

As a summary assessment I would say that the Budapest Stock Exchange operates like a nice "showcase." Quite naturally and unfortunately, a large part of securities trade is not transacted at the Exchange, moreover not always through brokers authorized by law to perform such transactions. Thus the lack of openness and information characterizes this market. For this reason many lay investors keep away from the Exchange, and moreover, an expressly negative image of the institution has evolved.

All this suggests to me, the head of a securities trading firm, that the Exchange must be reinforced in the future in order to permit it to perform its economic leadership role in Hungary. To accomplish this, however, it will not suffice to expand the already high standard services provided by existing brokerage firms, it will also be necessary to have openness, laws supportive of investments, beneficial tax rules, more thorough information and many good stocks.

#### **The Expert**

**Zoltan Speder, an associate at Financial Research, Inc.:**

#### **"Its Existence Is Its Greatest Merit"**

By the end of 1991 we have become poorer by yet another illusion. As the Budapest Stock Exchange turned a year and a half old it became evident that not even the Exchange was able to "redeem" the ailing Hungarian economy. It has become apparent that short of real involvement in the marketplace not even the most modern market institution—the Exchange—is capable of functioning.

Still today, the very fact that the Budapest Stock Exchange exists at all is its greatest merit. The time that has passed since its establishment proved to be too short

to permit the evolution of a concentrated and liquid market, to make available the information needed by investors to make rational market decisions. The past year has been characterized by a continuous decline in the trading volume and by a trend of dropping stock prices. It has become evident that the Exchange "was not what it was meant to be." The small number of investors at the Stock Exchange and the few, low volume transactions made it possible to manipulate with both stock prices and the market. Such manipulation has taken place often enough to keep away investors without appropriate market connections—i.e., lay investors—from the Stock Exchange.

Although along with the extended summer vacations granted during the "temporary" recession, the ripple effects of international events and the dimmer than average mood of Vienna telephone trading have undoubtedly played a role in the unfavorable evolution of processes, the greatest problem appeared to be the quality of the securities issued and the quality of enterprise management that supported these securities. Stock prices that increased in the initial euphoric mood rendered the significance of market information weightless, and this led to a paralysis of the market when the time had come to sober up. Investors have no information about either the issuers of stock or the market processes, both of which are needed to make rational decisions.

Neither the introduction of new trading techniques nor the termination of direct participation by banks in the market have redeemed the Stock Exchange. "Exclusive" traders with little capital stock were not able to make sacrifices in order to render the market liquid, because making such sacrifices has its price: One has to buy and sell regularly, trade on his own account and take risks. To do so one has to have not only the appropriate securities but also the appropriate amount of capital.

Quite naturally, the usual therapeutic methods do not help our small East European stock exchange. In addition to the securities of firms, state securities have also discredited themselves. State securities which provide full security elsewhere and therefore can be traded with a solid promise of returns, our state securities are only partly marketable even along with interest rates exceeding the average market interest rates and measures which help people acquire such securities.

One should not even mention the stimulating force manifested in the form of various tax benefits. Institutions and means which redirect savings to the entrepreneurial sphere must be supported of course, so that as much capital as possible be allowed to flow to the market through investment funds, insurance companies and pension funds, and so that small savers may also become part of the investment-liquidity spiral. What we do not need to do is to render bad quality securities marketable as a result of regulatory measures providing tax benefits. This is so, even if this practice is being followed in many other places.



In other words, we should much rather place our trust in short-term miracles—in a rising Hungarian economy. Just what is going to happen until then? Shops that lose money must also be maintained. How could we make a living otherwise?

### Vice President of National Bank Interviewed

92CH0224B Vienna DIE PRESSE (supplement)  
in German 11 Dec 91 pp I-II

[Report on interview with Frigyes Harshegyi, a vice president of the Hungarian National Bank, by Erich Hoorn; place and date not given: "Way Open to Hard Currency and Goods"]

[Text] There is a frequent debate in Hungary about the fact that the less-than-rosy state of the "real economy" is in sharp contrast to the good financial state of affairs. The statistics document the success story. In view of this development Hungary is taking small steps toward full convertibility.

In an interview with DIE PRESSE, Dr. Frigyes Harshegyi, a vice president of the Hungarian National Bank, stresses that the economy has reached de facto full convertibility in spite of the fact that it has not yet been officially announced. Any Hungarian in possession of a trading license is now able to import goods. He merely needs to go to a commercial bank and buy the hard currency needed to pay for the imports. Any Hungarian who purchases stocks in Budapest is now able to sell them at any time and to exchange his money into Western currencies.

Full convertibility is not yet in sight for the average citizen, although \$1.5 billion are presently deposited in 2.5 million foreign currency accounts. The latter sum also includes deposits by foreign nationals, however. Forint savings are also beating all previous records. The savings ratio, i.e. the share of income deposited in savings accounts, stands at 11 percent at present as compared to just 1 percent in the past. To be sure, a 30-percent interest rate also provides an incentive to savers. One of the reasons for the steep rise in forint savings deposits is that the rise in hard currency accounts is no longer as marked because the population's confidence in its own currency appears to have increased.

Harshegyi refuses to name a date when full convertibility will be achieved, but does cite the progress Hungary has made on the way toward that goal, e.g. the liberalization of 92 percent of the country's imports. Since paying for imports in any currency presents no problem, "internal" or "goods convertibility" has already been achieved. "Those taking part in the economy enjoy free access to foreign currencies and goods," Harshegyi says.

Every Hungarian citizen may only purchase foreign currencies valued at \$50 each year. Anyone who has not availed himself of that right for two years may purchase \$200, or \$300 after three years. Since 1 January 1991, two million Hungarians have been eligible to purchase \$200. To be sure, any Hungarian citizen may book a trip to a foreign country at a travel bureau and pay for it in forints, e.g. 200,000

forints for a trip to Kenya. Harshegyi says the fact that the black market exchange rate for the forint is no worse but often better than the official rate of exchange proves that Hungarians do not need more than \$50 per year in foreign currencies. At present, Hungarian exchange offices are starting to trade in forints which will lower the demand for foreign currencies in the future.

A low inflation rate is another precondition for convertibility. The current 38-percent inflation rate which is still high was caused by this year's lifting of price controls and the abandonment of most subsidies. Harshegyi terms this a one-time shock. By late September, inflation had dropped to 34 percent.

Industrial producer prices are rising at a slower rate and next year the consumer price index will decrease to 20 percent or perhaps even lower, Harshegyi says. "Our economic situation is not as desperate as that of some other East European countries, such as Romania and Poland, which declared overnight convertibility to be an end in itself." According to Harshegyi, the Hungarian approach to convertibility is similar to that of Czechoslovakia.

He is delighted about how successful the Hungarian economy has been in compensating for the loss of East European markets by exporting goods to the West. Exports to OECD countries are rising by some 30 percent this year, which has enabled Hungary to achieve a balanced trade balance. Tourism and invisible exports have produced substantial income. The original projection of a \$1.2 billion trade deficit in 1991 will not materialize; in fact, present estimates call for a trade surplus of \$400 to \$600 million. In other words, Hungary will not have to resort to deficit financing this year.

Private foreign investment in Hungary is making excellent progress, having topped more than \$1 billion by the end of October 1991. By now, one-half of the sugar industry is owned by Austrians; the pharmaceutical and textile industries are owned by the French. "Our open door policy is paying off," Harshegyi says. To be sure, the balance of payments will not be as favorable in the next few years in view of the fact that Hungary will have to import technology.

Hungary has always been opposed to debt canceling along Polish lines. "Only a ruined country will do something of this sort," Harshegyi says. It is a "suicidal idea." As a consequence, foreign investors in Poland must now face the prospect of only being able to transfer one-half of their profits abroad because the country is too poor. Hungary, whose per capita foreign debt is three times the size of Czechoslovakia's, demonstrates how important it is to enjoy a good reputation and to be represented on the world's capital markets. By contrast, Czechoslovakia is having a difficult time obtaining long-term credits because of its lack of contacts.

In 1991, Hungary's currency underwent two devaluations totaling 20.8 percent. In 1992, the expectation is that the forint will be devalued an additional 5 to 10 percent. This correction is necessary to make Hungary competitive in foreign countries in spite of its higher inflation rate. In 1992, free hard currency transactions among Hungarian commercial banks will also be introduced.



**Olszewski Government Formation Viewed**

92EP0172A Warsaw *POLITYKA* in Polish No 3,  
18 Jan 92 p 3

[Interview with Jaroslaw Kaczynski, Center Accord leader and Sejm deputy, by Janina Paradowska and Jerzy Baczynski; place and date not given: "I Was the Main Player"]

[Text] [POLITYKA] A government has been formed. You had to work hard to make this happen. How do you view the chances of this government?

[Kaczynski] I see many dangers. They are greater than I thought. That the social and economic situation is what it is rather than something else is not the only reason for them. The fact that the concept of a government by the center right may turn out to be too weak in the face of mounting difficulties is also a reason. I believe that a broader concept under which the government would not be held hostage by anybody would be more effective.

[POLITYKA] Whose hostage?

[Kaczynski] It appears to me that at present, the PSL [Polish Peasant Party] has the greatest freedom.

[POLITYKA] Let us go back to the outlook for the government. Has there been anything in its operations to date that bodes ill for it?

[Kaczynski] To my mind, it is not clear whether certain government declarations or decisions will facilitate the emergence of social conflicts rather than their resolution.

[POLITYKA] Are you referring to the declaration of the prime minister that this cabinet will not resort to force?

[Kaczynski] To this among other things. After all, the point is not to use force; however, the government is what it is, and after a certain degree of intensity of conflicts is reached, it has a right to resort to the use of force, for example, when public buildings are taken over. However, I am not thinking about this statement alone. Other statements have also been made which acknowledge as proper some demands which are clearly unrealistic, and for this particular reason, improper. Specific actions have also been taken, for example, the dispatch of government commissions [to negotiate] with strikers. All of this creates an atmosphere favorable for building up a cycle of demands which will obviously bring about a hopeless situation.

[POLITYKA] In your opinion, what should the government do in order to improve its chances?

[Kaczynski] To add the Union to the coalition which at present is quite difficult because the Union is in a quite advantageous situation. The Congress may also be added, though this is no longer necessary. The prime minister should also turn to the concept of the Government of National Salvation. To date, I have avoided such definitions because they might be too impassioned. However, in view of the situation, I consider developing

this concept very important. The government should take into account the aspirations of society as much as possible, but should not make fundamental sociotechnical mistakes like the ones I have mentioned. I know where this comes from. The prime minister genuinely believes in the people and their civic wisdom. However, it depends, as far as such wisdom is concerned; at times, the pressure of everyday hardships prevails. Appealing to such notions may end badly.

[POLITYKA] After all, you pushed through the candidacy of Jan Olszewski, being aware of his convictions.

[Kaczynski] Because Jan Olszewski was the best candidate. I still believe that he is the best. He bared his teeth in his speeches in the Sejm. However, I believed that he would revise some of his convictions once he became prime minister. Likewise, I believed that the frustration of a certain circle of people will not be so apparent—a circle that is now in power, but was unable to stay in the mainstream of events in recent years, though some of its members were given the opportunity.

[POLITYKA] For weeks on end, we had the impression that you were the main player, that you had fundamental influence over the format of the coalition and the composition of the government.

[Kaczynski] Indeed, I was the main player until a prime minister was elected by the Sejm. However, putting together a government was up to the prime minister and individuals from his entourage with whose concepts I frequently disagree.

[POLITYKA] Do we detect a grudge on account of the fact that your party did not achieve what it wanted, and that your brother did not become minister?

[Kaczynski] Had you been able to attend all talks concerning the coalition, you would have known that we were precisely the ones to argue for concepts such as an alliance with the Union, even when we did not yet know that we would not achieve everything we planned. Therefore, it is not a grudge but an assessment of the situation. Of course, I am not happy with the fact that the Center Accord does not have its own minister in the policy sphere. We wanted to have him, and I believe that we had, and even have, an absolute right to this. As far as my brother is concerned, he was nominated on the merits of the case rather than for family considerations. When it turned out that there were difficulties with the acceptance of him personally by the president, we nominated another candidate, Slawomir Siwek.

[POLITYKA] For the position of URM [Office of the Council of Ministers] chief?

[Kaczynski] Yes, but he did not become chief of the URM either. Therefore, it is hard for me to be happy.

[POLITYKA] You are talking about the need to add the Union to the coalition. Meanwhile, this party is being

forced out even from low-ranking positions. The decision of Minister Kropiwnicki in the case of Mrs. Starega-Piasek has already become notorious.

[Kaczynski] I take a certain exception with regard to endeavors of this nature. However, I would refrain from drawing general conclusions from this incident. This is how I would put it: I am an opponent of such decisions, but at the same time I am a supporter of a certain balance. Has it happened before that somebody from the Union was a minister, and his deputy minister was from the ZChN [Christian National Association]? We should look at this entire situation from this angle as well.

[POLITYKA] Recently, you have been kind to the ZChN. After all, quite recently you did not spare that party. You were the one to state that the shortest route to de-Christianizing Poland is through the ZChN. You were the one who fought to ensure that the Center Accord would not enter into an election alliance with that party. You said: "If we move together we would lose an opportunity to create a civilized center-right force in Poland."

[Kaczynski] I was talking about an opportunity to create a right wing which would try to comply with European standards, and I stand by it. However, this does not mean that I believe that having ZChN representatives head several ministries jeopardizes democracy. If certain communities of the so-called progressive intelligentsia dislike a certain condition of spiritual and public life, this does not necessarily mean that democracy is in danger. They may organize in opposition to this, they may change this, they may voice their own ideas. This is what freedom is about, rather than some communities having a monopoly on determining what public life is to be.

[POLITYKA] However, it so happens that a considerable segment of our society viewed, and views, the right-wing coalition which you have created precisely as a danger to democracy.

[Kaczynski] Danger exists where a real force is present. The ZChN may have a certain concept of state (anyway, it vehemently denies all the detrimental leanings which are ascribed to it, and which I also ascribed to it within the framework of determining the identity of my party). However, could you tell me just how these plans are to materialize if no majority votes for them in the Sejm?

[POLITYKA] Do you consider giving the Ministry of Internal Affairs to a minister from the ZChN to be unimportant?

[Kaczynski] Do you think that the compulsory preaching of the gospel may be carried out through this ministry? Besides, a theory which is quite impudently proclaimed in Poland, to the effect that only the Union and circles associated with it may rule Poland, and that in any other case, there will be no democracy, recurs in your question. Recently, this theory was reduced to the absurd. Jan Walc wrote that the Union should split; in this case, Hall

would be on one side as the right, Kuron on the other side as the left. Then the entire democratic arrangement could be played out within the framework of the same community. I do not agree with such views.

There is yet another question you have touched upon. In general, what does a threat to civil freedoms mean? I believe that this threat occurs when the state apparatus interferes, when administrative coercion is used. If there is religious instruction in schools with the consent of a majority of parents, this does not pose any threat to freedoms. If elements of worship, for example, masses, occur in the practice of public life there is no danger, as long as somebody is not forced to attend them.

[POLITYKA] Apart from administrative coercion, there is also pressure in one's community, and there is the possibility of having your path of advancement blocked.... However, let us revisit the coalition which you began to put together immediately after the elections. Why did you, a proponent of democracy, so stubbornly reject a scenario which carried considerably less risk for democracy, or an alliance of the Union, the Center Accord, and the Liberals?

[Kaczynski] Because these are things which cannot be done. You see, there are two ways to practice politics—to take a banner in your hand and go forth with it, paying no attention to what happens along the way, or to look at specific situations which you are dealing with, and try to find a way out. I am a proponent of the second mode of practicing politics. This is what politics is to me.

There are three reasons for which such a triple alliance would be impossible from our point of view. First, those who aspire to changes which the Center Accord has been talking about since its inception would be too weak in this alliance. Second, there is the attitude of the left wing of the Union toward the church. The condition which Geremek set—the separation of the church from the state—precluded this coalition from the beginning. Third, there were the consequences of a political campaign mounted against us, the quintessence of which is found in Andrzej Celinski's pronouncement about perspiring men chasing after power. Of course, I can pass over such statements, and without difficulty at that. There are many people who could, but in general, the consequences of politics practiced in this way endure.

[POLITYKA] Do you want to tell us that had you entered into an alliance with the Union, your party would have refused to obey you?

[Kaczynski] Yes. I want to say that this would have been unacceptable to an overwhelming majority in my party. This is an important argument in politics. This does not mean that actions which would put our relationship with a Union on a different footing, but without obscuring obvious differences, cannot be taken.

[POLITYKA] We do not find this entirely convincing in the case of policies implemented on the scale of an entire country.

[Kaczynski] I also think that, if this were the only reason, it would be hard to consider it sufficient; to be sure, "when there are no guns..." However, the basic reason is the one I have mentioned. I am profoundly convinced that this trilateral arrangement would not only fail to gain a sufficient number of votes in the Sejm, but would also not be in a position to change anything in Poland. It is up to you whether to believe me, but I maintain that we will bring about a genuine catastrophe unless we change many things in Poland.

[POLITYKA] Pronounced inconsistencies have appeared in your answers. In the beginning of the interview, you said that this government has few chances without the Union, and now you are saying that it cannot work with the Union.

[Kaczynski] These are not inconsistencies. These are two absolutely different situations. In December, I was the architect of a coalition, and I could not propose such a trilateral alliance because I would have lost. By now, the Jan Olszewski government already exists, which will be making changes. The question of expanding the base of support for this government is now on the agenda, rather than the question of changes themselves. Of course, the frame of mind of the Center Accord or the ZChN is different. At present, the issue of broadening the coalition depends on a decision of the prime minister and, obviously, the stance of the Union. I promote the concept of adding the Union to the coalition, though I suspect that some functionaries of my party will assail me sharply for that. However, I believe that such a solution is necessary for our country.

[POLITYKA] Coalitions are created for a particular purpose. When no commonality of programs of some kind may be reckoned with, it is commonly suspected that appointments are the only thing at issue. These quite common views are already being confirmed by the actions of Minister Kropiwnicki.

[Kaczynski] Coalitions are created in order to form governments after elections, which is normal and necessary. Of course, someone who represents the center-right side of the political spectrum in politics is also interested in a center-right government being formed, and such a coalition was ultimately created. Political actions may be perceived as a fight for positions. Such selection exists in all countries, and there is nothing that we can do about it. This is the regular price of democracy. The results of elections were such as they were. It was necessary to try forming some coalition, and no coalition was an easy one.

[POLITYKA] You did not conceal that you were forming this coalition against Belweder. You repeated frequently that democracy in Poland is in danger. Is Belweder really the main source of threat?

[Kaczynski] A threat is posed by the emergence of a political arrangement whereby one of the power centers is virtually uncontrollable while it essentially controls all other power centers. After all, the draft constitutional

law submitted to the parliament by the president amounted to putting cards on the table. The objective was to concentrate power in its entirety in Belweder.

[POLITYKA] The quite common conviction was that the objective was rather to take an advantageous bargaining position.

[Kaczynski] Perhaps, this was the case to a degree. However, I headed the Presidential Chancellery long enough to notice that a more profound process of adapting the concept of the presidential center to, putting it generally, the labors of exercising power, and certain subjective and objective difficulties associated with this, was taking place. This is how much I can tell you now, though I do know that this does not sound too lucid.

[POLITYKA] Do you see any political rationale for these particular actions of the presidential center?

[Kaczynski] There is no objective rationale for the formation in Poland of a political system approximating, in terms of historical analogy, the Orleans monarchy which was toppled during the Spring of Nations.

[POLITYKA] What if the parliamentary system such as we have now reveals its ineffectiveness?

[Kaczynski] The president submitted his proposals at a time when this charge could not be leveled. Besides, even if the system demonstrated its ineffectiveness, systemic solutions of the French kind would suffice.

[POLITYKA] You have long favored a presidential system on the French model, but at present you do not agree even to this.

[Kaczynski] The issue of endowing the president with additional powers may be considered; however, the issue of the quality of the presidency is also important. I believe that at present we are dealing with a crisis of the presidency.

[POLITYKA] What are the features of this crisis?

[Kaczynski] Using my own logical shortcut, I will say that Mieczyslaw Wachowski should not be the main official of the presidency.

[POLITYKA] Do you believe that Minister Wachowski governs?

[Kaczynski] I would not know how to answer this question. I could not crack this one even when I headed the Chancellery. However, it is beyond a doubt that his influence is enormous. It is also beyond a doubt that he is a person who is completely unfit to play the role he is playing. His departure, and therefore changes in the entourage of the president, would facilitate arriving at the optimal constitutional arrangements.

[POLITYKA] Voices are being heard to the effect that the president should go. Lech Walesa himself said in an interview for POLITYKA that he does not count on serving a full term.

[Kaczynski] Indeed, such voices are heard. I think that if the presidential system as it exists now remains, this issue may come up increasingly often. It is just that the course of events may bring about the presidency calling itself into question. This is not to say that this is desirable. The exact opposite is desirable.

[POLITYKA] Is the political dispute which has been going on in Poland with greater or lesser intensity since the elections indeed a dispute on the shape of democracy, or is it yet another dispute over personalities?

[Kaczynski] This is a dispute about democracy in general, rather than a given version of democracy.

[POLITYKA] What are you afraid of—a coup d'état?

[Kaczynski] I would not rule this out either; however, primarily I am afraid of a certain process developing over time, a process of abandoning democracy in favor of authoritarian solutions. History suggests that there may be various scenarios of events. Please recall the initial years of the Weimar Republic and the peculiar role of the army, which was able to impose its will on the political system, while being beyond its control, thanks to two generals. Therefore, I believe that regardless of the systemic model which we ultimately adopt, power should be based on a clear-cut system, on political forces, and it should be a controlled power. This is what I had in mind as I sought to form a coalition.

[POLITYKA] Therefore, are we to understand that, to your mind, the government of Jan Olszewski was necessary in order to avert a threat to democracy?

[Kaczynski] Yes. The formation of this government, in and of itself, is an important fact because it came about through democratic procedures. Changes which have begun in the army also diminish this threat. I believe that even if this government merely makes changes in the army and other sensitive segments of the state apparatus and subsequently collapses, any objective historian will have to admit that it played a breakthrough role.

[POLITYKA] As we understand, the reassignment of Admiral Kolodziejczyk is the basic element of this game plan. However, we wonder whether this is the continuation of the dispute with Belweder, or the beginning of de-Communization?

[Kaczynski] Regardless of what we name it, what happened to Kolodziejczyk was one of the main incentives for me and my brother to fight for this government. I knew that any prime minister other than Jan Olszewski would not make this decision. The state of affairs which existed in the army was impossible. What you call de-Communization I may call removing a threat to democracy. I remember that when I visited Belweder as chief of the chancellery, which I did even on a daily

basis, the coat and cap of the admiral were to be regularly seen on a hanger in the cloak room, which is not at all to say that he visited the president.

[POLITYKA] Did he visit Minister Wachowski? Do you (actually, not just you) not view this individual in an excessively demonic light?

[Kaczynski] No. He is a person embedded in the very heart of a certain power structure who, due to a talent of sorts, quickly convinces others that he represents the president. Due to this, he establishes an entire network of contacts, including those in the Armed Forces, thus creating an invisible structure which may pose a threat to the regular functioning of the political system.

[POLITYKA] The threat of a segment of the political community joining this network and operating within in it behind the scenes?

[Kaczynski] Precisely.

[POLITYKA] Let us go back briefly to the issue of Kolodziejczyk which you consider to be a key one. We do not completely understand your apprehensions concerning the admiral and the need for changes in the army.

[Kaczynski] There are things I cannot discuss, but please note that Poland still is a part of the same strategic space as the former Soviet Union. To be sure, the president has said that we want to join NATO, whereas his minister of defense has tirelessly pledged armed neutrality; in all of this, it was not quite known what the attribute "armed" is about, given the current condition of our army. Therefore, very much can be changed, for example, concerning the issue of our unequivocal position. This means not only declarations but also specific actions at, for example, the level of intelligence services. Given that various proposals have been made to us by the West, but somehow sank and disappeared here, we should consider what went on here, and how this was received in the West. This will now be unambiguous. This is a change of tremendous significance for the future of the country. Please note what happened in the East. The military mechanism is the only genuine integrating mechanism remaining in the territory of the former Soviet Union.

[POLITYKA] This dispute of yours with Belweder is quite strange if we recall the degree to which you facilitated the election of Lech Walesa to the position of president.

[Kaczynski] I do not know why everybody forgets so easily that, at the time, we sought a temporary election by the National Assembly, and that we were not the ones to propose popular elections.

[POLITYKA] They say that you are an efficient politician, and this does not necessarily sound like a compliment. What is the main mission of your political activities?



[Kaczynski] I always repeat that Poland will have to create a market economy, and that it faces the choice of a path it will take, a Chilean path or a democratic path. I come out in favor of the democratic path, and I would like to facilitate this, being fully aware that if we travel this path, the costs will be so high that we will be rejected by our society (I am saying "we" thinking in this instance about the current political community).

[POLITYKA] To your mind, how much longer can you remain active in politics?

[Kaczynski] I would like to be an active politician 20 years from now as well; however, in realistic terms, I believe that I have a couple of years left.

[POLITYKA] Thank you for the interview.

#### **Senate Marshal on Decommunization, Solidarity Role**

92EP0136B Warsaw TYGODNIK SOLIDARNOSC  
in Polish 6 Dec 91 p 3

[Interview with Prof. August Chelkowski, Senate marshal, by Grazyna Burzynska; place and date not given: "We Are Still Living in a Different Era"]

[Text] [Burzynska] The coalition of five gave you its votes in exchange for the Solidarity Club's support for Wieslaw Chrzanoski. Can this not be viewed as involvement by Solidarity deputies in interparty negotiations and agreements?

[Chelkowski] I did not participate in the discussions between club representatives and therefore I do not want to express my opinion on this subject. I have submitted myself to a certain discipline, since the club elected me in its internal voting and I accepted. If we talk about agreements, I believe that we must differentiate between agreements connected with the election of Sejm and Senate members and the matter of future politics or relations with the government. I suppose that this is an understanding within the scope of setting up parliamentary structures and does not denote any further obligations.

[Burzynska] Are you not afraid that there will be attempts to break up the "S" club, that individual ambitions will take over?

[Chelkowski] These are things which take place all the time, everywhere. Such tendencies can appear. I am opposed to them. The disturbance within the club would be nonsense. I hope that this will not happen. I do not believe that club discipline was threatened in basic matters concerning the NSZZ "S" program.

[Burzynska] Before the elections, deputies from Solidarity's list signed a pledge to protect against just such a turn of events.

[Chelkowski] Yes, they made their declarations that they were not part of the PRL [Polish People's Republic]

cadre and had not cooperated with the SB [Security Service] as well as declaring that they will not join political parties and will not participate in parliamentary interparty contests. The "S" Club is, however, a union club, not typical at least on the European scale. But Solidarity is also not typical.

[Burzynska] In your opinion, what place should Solidarity now occupy in the political and social arena?

[Chelkowski] The NSZZ "S" program is still a union program, a National Commission program, and a program of individual regions. It will obligate us activists, at least in a moral sense. As far as I am concerned as the chairman of the Senate, my task is the objective carrying out of proceedings.

[Burzynska] What do you feel obligated to with the NSZZ "S" badge which you wear?

[Chelkowski] This is a club badge. I feel an ethos toward Solidarity.

[Burzynska] What does this mean today?

[Chelkowski] I believe that Solidarity's ethos includes mutual relations between people, the tendency to create such a system, and relations which would be accepted by the majority in which everyone would feel like an entity rather than merely an object. This can also be applied to the economic domain. In those western nations which are highly developed very frequently one comes to the conclusion that better economic results can be achieved when the workers exert a significant role and influence on an enterprise's activity.

[Burzynska] Based on the experiences of the previous term, what will you want to improve in the Senate's workings?

[Chelkowski] The Senate's very structure has changed. The previous one was basically a one-club organization. Now we have changed the rules so as to adapt them to the new situation. The group of senior members has grown and includes representatives of eight clubs. I would like to improve the standard of efficiency of certain procedural matters and improve the Senate's fundamental base. I would not want laws being created in an abrupt manner at plenary sessions becoming a habit, especially since we have more clubs and there can be more conflicts. A position has to be developed earlier within the commission's framework. As for the rest, time will tell.

[Burzynska] What do you see as the most important matters and legislative priorities in the legislation?

[Chelkowski] Constitutional changes. We must make sure to establish conditions for the existence of a stable and strong government, supervised but still having the capability to act.

[Burzynska] Do you support special powers for the government?



[Chelkowski] I would rather see normal powers. They should be greater today because of the complexity of the problems, and the need for a quick response. I am against what is called parliamentocracy. An excess of it leads to paralysis. We have a division of power into three parts and it is not good if any of these three want to consolidate everything in their hands and take over the authority of the others. I understand that this is a controversial issue. Excessive power leads, as always in life, to negative consequences. The government could react much more quickly to irregularities, for example, corruption could be halted sooner if the government had broader and greater powers.

[Burzynska] What do you think about the so-called anticorruption draft law that the government submitted just before the elections?

[Chelkowski] We must be careful that once again gaps do not emerge which will allow for legal and perhaps unethical conduct. I believe that the law should concern everyone: government members as well as parliament members. If someone wants to carry out other ventures, he should choose between them and the public role. All the more so since on that score there exists in the country a bad tradition in using one's position for private purposes.

[Burzynska] How do you understand decommunization, since we are facing restrictions?

[Chelkowski] Decommunization is above all connected with a mental transformation. For many reasons we are still living in another era. Matters wander from one bureaucrat to another, and this is totally incomprehensible. People have gotten away from having any initiative. For years any activity has been opposed. These mentality changes will be a long-term process, all the more so, since in the 1970's and 1980's a significant amount of "blood was lost" in the form of the emigration of several hundred thousand active and enterprising young people. A mental transformation is needed, a necessary change in the principles of functioning of institutions. And together with this, personnel changes must undoubtedly take place. We should not look upon them as a "battle for seats," this battle was, is and will continue to go on. In other places it generally assumes a more acute form than here. It is just that we are experiencing it more acutely since at one time it was concealed by curtains and behind closed doors. We must agree to changes. We cannot leave someone in a position only because that person is "my friend" or "a fine fellow."

#### Book Review: Moczulski's Ideology, Policies

92EP0136A Gdansk TYGODNIK GDANSKI in Polish  
24 Nov 91 p 12

[Article by Artur Zawisza: "Moczulski—Prometheus, the Mystery of Independence"]

[Text] These are not the best days for political writing in Poland. A good political book concerning both current

events as well as one presenting examples of thought about public matters is rather a rarity. Time has not been conducive to and is not now conducive to rational thought. The martial law period gave rise instead to leaflets and most frequently they were of an anticommunist propaganda type. The present is a period of managing the Polish democracy, a democracy from election to election.

Leszek Moczulski's work *On the Verge of Independence* constitutes a continuation of the second edition of *Revolution Without Revolution*, published in 1979. The road to independence outlined in that book is divided into five phases, in which the fourth phase is sharing of power by two groups, while the last concerns taking power. In his book, Moczulski describes the time up to the most recent elections as a phase anticipated by him, one of dual authority—the one next to the last before the restoration of freedom (thus, the title). Moczulski's book is a type of political book par excellence. A book which is needed in our time.

For Moczulski, the current situation in Poland denotes a three-part structure of political camps, demands, and abilities: The radical camp is pursuing independence, the moderate camp (roundtable)...(conciliatory in relation to the current reality), and the communist camp (yesterday's). The radical camp constitutes a trend toward independence, whose chief medium is the KPN [Confederation for an Independent Poland], this represents a trend consistently aspiring to change, which is the chief prospect mentioned by Moczulski. The moderate camp consists equally of Mazowiecki's supporters as well as Walesa's, of whom none can go past the logic of compromise and the interim period in which we have found ourselves following the "roundtable."

It appears that the moderate camp, the radical camp's opposition, is a fundamental factor in all political disputes, as seen by Moczulski. The author sees this in distant historical events (recalling the French Revolution), and in our political processes (several times he suggests that Solidarity's 1981 radical rhetoric prepared too little for martial law, this is rather an unusual view).

The mentioned opposition did not allow Moczulski to isolate another factor which differentiates the political scene, an element which this author was apt to consider as basic and definitely primary as indicated by the KPN chairman. This element is the answer to the question: What type of Poland? It concerns ideological, structural, and constitutional issues. Especially odd is Moczulski's automatic quoting of issues concerning the French Revolution, since in Poland in actuality it concerns the overthrow or preservation of the legacy of this revolution. Precisely this revolution, because the Bolshevik one is no longer mentioned by anyone.

Moczulski also identifies with the radicalism on the right which results in demands to break away from leftist programs. Here one sees, however, a very crucial reservation. "To go to the right does not mean approaching

Roman Dmowski's views." A real reservation is that going to the right does not mean that the KPN will become right-wing.

If there is no turning point, then there will be a revolution in the form of a public outburst. Great change should take place on three levels: domestic policy (political change), foreign policy (Baltic to the Mediterranean), and economy (economic change).

It is extremely easy to characterize political change. It would consist of accomplishing Moczulski's program and best of all in the KPN taking charge of the government because of its authority and reliability. The essence of the program concerns the restoration of independence through the restoration of the April Constitution of 1935.

In foreign policy in reality it would be necessary to completely reassess the basic line. The KPN chairman believes in avoidance of anti-Moscow irredentist leadership ("It was necessary to head up the entire movement of liberated peoples.... This would have required a brave stance with regard to Moscow....") for the diplomatic errors of Skubiszewski and Mazowiecki. This concerns the failure to recognize Lithuania's independence, lack of uniform support of Germany's reunification, etc. We only need recollect similar ideas from influential left-wing centers, which perhaps confuse the clarity of Moczulski's earlier statements.

The principal demand in the international arena concerns the establishment of a Baltic to Mediterranean politicoeconomic bloc (the Balts, Belarussians, Ukrainians, Poles, Czechs, Slovaks, Hungarians, Romanians, Bulgarians, and the Yugoslav peoples). This bloc would serve as a guarantee against the inevitable expansions of Russia and at the same time as an alternative to the EC [European Common Market]. Moczulski's dislike for the EC is motivated by his fear of the EC taking economic advantage of Poland, and he fails to notice that it is this very integration with the EC which can ensure against this happening.

Economic change is described by Moczulski as the economy's turn to the right. This is real progress if we compare it with the author's vision of 10 years ago, (*Economic Stabilization*, Polish Publishers, Lodz 1981). The politicians should draft general economic views and leave the details to the economists. Moczulski is doing this. Some of his economic proposals are of course valid (limiting budget expenditures), some duplicate government proposals (the formula of State Treasury-owned companies), some are controversial (limiting privatization to sales of stock), others are happy (drastic increases in state workers' salaries). The dominant characteristic is criticism of Balcerowicz's plan. The conclusion being that if the above-outlined change does not take place then there will be a revolution.

Demiurgic creation (or as we will see invalidation) of reality is fulfilled by Moczulski through work and through magic symbols. Curses (systems, five phases, and three horizons) create a model of esoteric knowledge accessible to those who "understand." The crowning

moment of the transformation of the world will be the ministry of independence made possible by the demiurgic document: "The return of the Constitutional Law of 23 April 1935." The document is of demiurgic rank, since it has the power to invalidate reality (specifically, the defective functioning of Polish statehood after 1939).

The restoration of the April Constitution and therefore a "return to our state" provokes in Moczulski's mind the view of "the end of the PRL and the establishment of the Republic," "the restoration of the legal-international state of a half century ago," "and we are no longer subject to the PRL's obligations, or specifically our debts." In short, there will be a new, or rather old nation in place of the current one in terms of legal-international categories. I call this paradoxical and demiurgic concept magical thinking.

In addition to magic, Moczulski also manages to skeletonize symbolic thinking. It is, however, worthy of more detailed analysis of Polish political thought. For Moczulski the symbol representing lack of freedom for Poland is Russia, and in that case based on a mathematical equation, the ideological correlative of independence is anti-Russianism.

Risky beyond words is the statement that geopolitically Russia lies outside of Europe. In fact, nothing supports this fact. But geopolitics can change more quickly than geography. It appears rather that Polish politics should answer the question: Does it want Russia in geopolitical Europe? Moczulski appears to be saying no. The author of this article is maintaining a different opinion on this issue.

There is no doubt to the statement that with respect to civilization and culture Russia lies outside of the Europe which according to the typology of Feliks Koneczny is considered a Latin culture. It is, however, unclear on what principles Moczulski bases his isolation of Russia with respect to Europe's culture while finding a place in it for Belarus and Ukraine. Even the most European of Ukrainians place their homeland uppermost between East and West.

Certainly interesting and not unfounded is the cultural analysis of Russia accomplished by the author. Nonetheless, in each case, Moczulski's attempts at skirting the issues sound more credible than various liberal-democratic utopias which are appearing in the West.

Leszek Moczulski has preached a Promethean program in the metaphysical (avant garde concept) and geopolitical sense (being a continuation of the Marshal's ideas) for years. He remained, however, a "Prometheus Bound," and it is strange that he failed to assemble a substantial intellectual group around the program, and gave up waiting for successors of at least a national ranking. He was constantly pulled by the establishment, both communist and moderate. He failed to obtain significant support in the presidential elections (although his participation in the elections is definitely a triumph).

Will *On the Verge of Independence* help him in obtaining a good showing in the most recent parliamentary elections? We shall see. What is obvious now is the rebirth of the KPN and an increased role for Moczulski.

**Indecisiveness of Macedonian Policy Criticized***92BA0360C Split SLOBODNA DALMACIJA  
in Serbo-Croatian 4 Jan 92 p 8*

[Interview with Ljupce Georgievski, leader of the Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity, VMRO-DPMNE, by Jovica Andjelkovic; place and date not given: "Our Destiny Depends on the Croats"]

[Text] There were several reasons for an interview with Ljupce Georgievski, the 26-year-old leader of the VMRO-DPMNE [Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity]. One followed from his resignation that was offered and accepted from the position of vice president of the Macedonian Republic. However, there was another quite interesting reason as well: When Georgievski took up that office, he gave his first interview outside Macedonia to SLOBODNA DALMACIJA. Now, after his resignation, he is again speaking out for our newspaper, presenting as an exclusive the reasons for his leaving the position of deputy chief of state.

[Andjelkovic] You have spent a year in an office that on one occasion you referred to as "political isolation," and that is why you have resigned. Give the reasons for that status.

[Georgievski] The suspension of political democracy in Macedonia began last year, after Gligorov was elected president of the republic. In two and a half months, Gligorov paralyzed all of political life in Macedonia, postponing day after day the election of a prime minister. As you know, the prime minister should have been chosen by the victorious party, the VMRO-DPMNE, and accordingly it nominated four candidates. But none of them suited the Communists. They obviously wanted a prime minister who would do the bidding of the president of the republic. The results of that election are now completely visible: We have a government referred to as a "government of experts," but essentially it is very weak in the selection of ministers, weaker than the one we had in the period of one-dimensional thinking. The absurdity is all the greater because the prime minister has allowed certain meetings to be held in the office of the president of the republic and to be chaired by Gligorov personally, while the prime minister, Dr. Klju-sev, has been taking the role of an ordinary member.

**Gligorov Has Isolated Me**

Another factor is suspension of the proceedings of the parliament. Numerous issues related to debate in the parliament have been dealt with in small groups from which the VMRO-DPMNE was absent. The parliament has been postponing debate of the situation in Yugoslavia and also debate on taking a position concerning the most recent events in Croatia. It should also be added that to this very day the Council for Protection of the Constitutional Order of the Republic has not met at all and the Security Council has had only a few meetings,

but nothing essential to developments in the republic and the country. Gligorov has thereby suspended the operation of constitutional institutions. Where was I to find my position in all of that? My president did not consult me about a single issue in the republic. The exception was the pressures which Gligorov exerted on me when I was supposed to influence the decisions of the VMRO-DPMNE parliamentary delegation. By failing to insist on a meeting, I attempted to see how unnecessary I would be to the first man of the republic. Just imagine, there have been times when I spent a month and a half sitting in my office isolated from decisionmaking in the state. Psychologically, I felt extremely miserable. Gligorov did not undertake the legal initiative to define my position in the republic, although he was required to do it within a month from my appointment.

[Andjelkovic] You have returned to the post of party president. To what extent does the VMRO-DPMNE represent the opposition in governing the state?

[Georgievski] We have been continuously opposed to the so-called leftwing bloc and the Albanian party coalition. However, our efforts are nullified because they frequently get together with secret agreements.

**We Turned Over the Weapons as a Gift**

[Andjelkovic] Is there a split in your party?

[Georgievski] I must say that every unity of ours is interpreted as totalitarian activity, but if there are opposed opinions in our ranks, people talk about division. I would not deny either of those observations; however, I would observe that at the moment in Macedonia there is not a single party that incorporates so many opposing views. In connection with the vote on the Macedonian Constitution, those divisions did occur, but I do not see in that anything dangerous for the party or for me personally.

[Andjelkovic] How do you interpret the parting of the ways with Dragan Bogdanovski, the founder and father of the party?

[Georgievski] Bogdanovski was referred to as the father of the party, as you have said, by the Macedonian news media. Then by UDBA [State Security Administration] and the DB [State Security]. I therefore reject the assertion that he is the ideologue or father of the party. In any case, I do not know why Bogdanovski has unfortunately turned against me. We had very cordial meetings in Canada. However, I do not know what drove Mr. Bogdanovski to attack me for a pro-Bulgarian orientation in the party with his well-known letter in NOVA MAKEDONIJA.

[Andjelkovic] Do you see Bogdanovski as competition?

[Georgievski] No! I think this is a struggle for power. Perhaps he plans to return to Macedonia, and he will crown his arrival by overthrowing me. However, our party has never been improper toward him. I personally

feel that Bogdanovski cannot threaten me, although I have been warned of that possibility. His position in Macedonia, especially with the general public, is very weak.

[Andjelkovic] Does Bogdanovski's departure from the party weaken your material position?

[Georgievski] His material support is insignificant. There are people who have shown a desire to give money to the party only since he has left. We are hearing most of all from Sweden, which is where Bogdanovski lives.

[Andjelkovic] How satisfied are you with Macedonia's defense?

[Georgievski] My defense conception is the opposite of President Gligorov's conception. It could have been vigorously carried out immediately after the election, because the disintegration of Yugoslavia was largely reality. At that time, we would not have gotten into a situation with Dr. Tupurkovski voting in favor of transfer of weapons of TO [Territorial Defense] to garrisons of the JA [Yugoslav Army]. That is, what we had, we made a present of. Now nothing is left for us but to strengthen the police reserves.

[Andjelkovic] Do you think that there is a secret alliance between the JA and the Macedonian leadership?

#### **Macedonia and Krnjug [Truncated Yugoslavia]**

[Georgievski] The JA has taken its tribute in blood. There have been 40 soldiers from Macedonia killed. The question is whether that number will stay the same. As far as the connection between the JA and the Macedonian leadership, I think that Macedonian policy has become an ally of the JA and of Milosevic's policy thanks to its own indecisive action. Our assessment was that the war in Croatia was not our war, instead of proclaiming Macedonia neutral in the Serb-Croat conflict. That way, we would have proclaimed all the soldiers prisoners of war or kidnapped citizens. We submitted that initiative to the parliament; however, there has been no response in more than three months. Our initiative concerning involvement of the International Red Cross to save the Macedonian soldiers was also halted.

[Andjelkovic] What will the VMRO-DPMNE do if Macedonia joins a federation of the remainder of Yugoslavia?

[Georgievski] The policy which President Gligorov is conducting is a policy of sitting on two chairs. That is, a policy which is amenable to the requirements of the EC, but also to the remainder of Yugoslavia. I have been asked many times whether Macedonia can go it alone; however, no one is asking himself what Macedonia will do in a reduced Yugoslavia, that is, Serboslavia. If that happens, it will be the suicide of the Macedonian people. But if the Macedonian public does not react, and with the Macedonian intelligentsia, I have no intention as an individual, but neither as a party, to react, because it will

be the people that will render judgment on the president of the republic and the members of the government, but also all those who decide on such a move.

[Andjelkovic] Is there a possibility of war in Macedonia?

[Georgievski] The possibility of war has been with us since the very beginning of the conflict in Slovenia and then in Croatia. The armed forces of the Army are present in Macedonia, there are services operating on our territory. Unfortunately, at this moment Macedonia is defending itself with the fighting in Croatia. Our destiny will also depend on the readiness and resoluteness of the Croatian people. What happens in Bosnia-Herzegovina is also important. But if that republic takes the road of independence, then Macedonia will be planned in the final phases of the Serbian policy of aggression. The resurgent communism from Serbia is present on our soil. The only question is the form it will take.

#### **Gligorov Denies 'Serbian Pressure on Macedonia'**

92BA0332A Belgrade BORBA in Serbo-Croatian  
30 Dec 91 p 4

[Article by D. Nikolic: "Serbia Honors Macedonia's Decisions"]

[Text] Skopje—In a New Year's interview with Radio Skopje, Kiro Gligorov, president of Macedonia, did not leave even the slightest room for speculation that his meeting with Slobodan Milosevic, president of Serbia, in Ohrid three days ago was the "final phase of a Serbian game concerning Macedonia." "The Serbian pressure on Macedonia" "to force it into a third Yugoslavia which is to be proclaimed on 3 January in Belgrade" and to let Macedonia know that it "would have to deal with Serbia concerning its future borders if it should choose an independent road," as has been written in the foreign press.

In keeping with his own position, publicly declared several times, that Macedonia desires peace and good neighborliness, Kiro Gligorov has never even broken off contacts with Serbian President Milosevic, and this past summer sent him an invitation for them to meet and talk. However, the meeting in Ohrid was proposed by Milosevic himself in The Hague, when they met there. At that time, Gligorov expressed concern to Milosevic because of certain campaigns being conducted against Macedonia in Serbia and in which the situation in Macedonia is not being objectively portrayed. Gligorov said that it is important to Macedonia that Serbia and the Serbian people be objectively informed about what is happening in Macedonia. Milosevic said at that time that they should meet and talk without an agenda. Milosevic proposed that they meet the very next day, but Gligorov could not accept that proposal, because the Macedonian Assembly was meeting that day, but he proposed that it be a day later, on Friday, 27 December, in Ohrid. That is how the Ohrid meeting between Milosevic and Gligorov came about, according to some



on Gligorov's initiative, according to others on Milosevic's initiative, and this most recent alleged game concerning Macedonia, after which Macedonia could wake up one morning "as a Serbian republic of Macedonia, according to the Serbian-Croatian formula."

Gligorov denied that Milosevic proposed to Macedonia that it enter the minifederation. Such a proposal could not even be expected after the Macedonian referendum, the new constitution, and Macedonia's application to the Hague Arbitration Commission for recognition as an independent state. Gligorov says that the Serbian policy expresses respect for the decisions which Macedonia has made to date and that Serbia does not want to intervene in the way Macedonia determines its own destiny. Milosevic is only interested in what Gligorov thinks about the initiative of forming a minifederation. Gligorov could not, of course, interfere with the initiatives of others when he wants others not to interfere in Macedonia's internal affairs. He only reiterated that Macedonia wants to become independent and also that this is the historical aspiration of all those who live in Macedonia. That is our priority at this moment, Gligorov told Milosevic. He then repeated the position of Macedonia that it does not want to become a closed little state, but, on the contrary, it wants to be open and to nurture good relations with all its neighbors. Gligorov emphasized that Macedonia wants good relations with Serbia, with which Macedonia has never had any conflicts. Even immediately after the war, Serbia recognized

the Macedonian state and the Macedonian people and Macedonia now carries on 47 percent of its trade with Serbia.

The meeting with Milosevic strengthened Gligorov's conviction that the opening of a "southern front" is only speculation. Serbia and Macedonia are neighbors with countless ties not confined to the economy. He said that the Ohrid meeting was in keeping with the Macedonian policy of resolving all issues peacefully through agreement, that the Ohrid talks were open, useful, and conducted without any pressure whatsoever. According to Gligorov, that meeting occurred at the right time.

Gligorov is nostalgic about the Gligorov-Izetbegovic platform and said that every association, even the loosest one, is worthwhile, but in no case does this jeopardize Macedonia's self-sufficiency and independence.

Gligorov will also be meeting with Greek President Mitsotakis, and it is possible that after Ohrid the road to that meeting will be shorter, especially following the additional guarantees that Macedonia is incorporating into its new constitution. Kiro Gligorov returned from Ohrid satisfied with the good wishes of Serbia and President Milosevic concerning the Macedonian road to independence. Milosevic's road to Ohrid is a sign that Serbian policy is abandoning its hard-and-fast position toward Macedonia and also a sign of general relaxation. Milosevic was obviously interested in changing Serbia's image when it comes to resolving the Yugoslav crisis.



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